

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA

PASSED AT THE
FIRST EXTRAORDINARY SESSION, 1988
SECOND EXTRAORDINARY SESSION, 1988

VOL. 1



GUY HUNT, Governor
JIM FOLSOM, JR., Lieutenant Governor
RYAN DEGRAFFENRIED, President Pro-Tem of the Senate
JAMES S. CLARK, Speaker of the House
JAMES M. CAMPBELL, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1988 First Extraordinary Session and Second Extraordinary Session of the Legislature of Alabama and is the official publication of such acts.

Glen Browder
Secretary of State

“WHEREVER LAW ENDS, TYRANNY BEGINS. . . .”

John Locke, *Second Treatise of Civil Government* (1690)

The words of John Locke, written approximately three centuries ago, demonstrate the importance of law in a democratic society. Equally important in a democracy is the public’s “right to know” about the laws of government, a right which is protected by the United States Constitution, the Alabama Constitution, and the Code of Alabama.

The Secretary of State is required by the Code of Alabama to publish and make available the laws and resolutions of the Legislature. However, many people are due the credit for making these volumes possible, including, McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Julie Saint, enrolling and engrossing clerks; Dodie Pappanastos and Helen Thorington, technical proofreaders; Carla Lockwood, recording secretary for the Governor; Louis Greene, Director of the Legislative Reference Service; Hannah Bates and Brenda Colvin of the Secretary of State’s office.

Suggestions regarding the organization, publication, and distribution of these Acts of Alabama are welcomed.

Glen Browder
Secretary of State

REMARKS BY GOVERNOR GUY HUNT
TO THE ALABAMA LEGISLATURE

AUGUST 30, 1988

Thank you Lieutenant Governor Folsom, Speaker Clark, distinguished members of the Alabama Legislature and guests. It is always an honor for me to address this body. Thank you for the opportunity.

There is nothing easy, simple or painless about what we have gathered here in this historic capital city to do. We have come together to finish a task that means life or death for some, success or failure for others.

At stake in this extraordinary session of the Alabama Legislature is the very future of our children. What you will do here in this building in the next 30 days may determine whether or not hundreds of babies born in Alabama die before their first birthday.

Your actions will decide whether hundreds of children will continue to suffer the physical and emotional scars of child abuse while they wait for case workers to hear their cries through the piles of backlogged paperwork.

And our schoolchildren have their eyes turned toward Montgomery in hopes of better textbooks, roofs that do not leak, and buses that don't creak from old age.

Tonight . . . I ask all 140 members of the Alabama Legislature . . . Democrats and Republicans, black and white, rural and urban, to join me in proclaiming this the Year of the Child in Alabama. Let's check our politics and our egos at the door . . . and for the next 30 days work for what is right and just for our children. They deserve nothing less.

The Year of the Child begins right here tonight in this chamber . . . where you will make and then live with the decisions that affect all Alabamians. None of us can run and hide from the truth . . . nor escape the consequences of inaction. The problems that face us as elected leaders were not dreamed up in Walt Disney's fantasy land. They are real. And the people of Alabama are looking on the Alabama State House as a doctor peers through a microscope. Winston Churchill said: "The price of greatness is responsibility." In Alabama . . . what you do and do not do here in the next 30 days will not escape the blinding glare of truth. The people of Alabama will not . . . and should not . . . forgive failure to get the job done.

Those of you who are real veterans of legislative combat are well acquainted with the problems of the General Fund. We did not develop a hundred million dollar shortfall overnight.

I will not stand before you and try to assign the blame for this crisis. Alabama has for too long been hurt by those who seek only to point the finger of blame for political reasons. To those of you who have political differences with me ... whatever they may be ... I ask you tonight on behalf of our children ... leave your political axes at home. We don't have time for you to grind them now. Every minute wasted with political rhetoric is a minute we will not have to secure the future of those whose only hope is us. As John F. Kennedy said: "Our task now is not to fix the blame for the past, but to fix the course for the future."

The basic problem with the General Fund is an economic one that has been over the years intertwined with politics. The growth of the General Fund has failed to keep up with the demand for state services. Revenues in the General Fund have increased only about 2 percent in last three years. In fact ... we have estimated that 98 percent of the new money that would be available to state government this year would be earmarked for education. The simple fact is ... the needs of our society have increased. The money has not.

If you will remember ... back in February I told you in my State of the State address that we had three options for dealing with this financial crisis: I said we could raise taxes, cut services, or use the money we had available to us. I preferred the third option ... but you did not.

In the meantime ... the General Fund was stripped of another 40-MILLION dollars because of the lawsuit against the Legislature by Doctor Paul Hubbert of the Alabama Education Association. An already critical situation had just gotten 40-Million dollars worse.

And it is there that we find ourselves today. We face a hundred million dollar deficit with virtually no growth in General Fund receipts expected.

Ladies and gentlemen ... for too many years ... we've bought time with quick fix solutions. As the governor of Alabama ... today I say ... NO MORE. I choose to draw the line right here ... right now.

You have before you the details of my proposed General Fund budget and my plan for dealing with the General Fund revenue crisis. I cannot recommend crippling cuts in state services. Too many babies die ... too many dangerous criminals would go loose on the streets ... too many drunken drivers would speed on without being caught.

Therefore ... I will ask you to establish a 10 percent tax on pari-mutuel gambling ... allowing the local governments in Mobile, Greene and Macon Counties to continue to collect the local taxes

they receive now. It is unreasonable to insist that our people pay state taxes on bread and milk ... but not gambling.

I also will ask you to approve a package of increases in certain fees for state services. Many of these fees have not been adjusted in half-a-century ... and it is not fair for us to continue to force all of the taxpayers to subsidize the services that a few receive.

One of these fee changes I will recommend to you is the increasing of the fee for the dumping of hazardous waste in Alabama by 10-dollars a ton. Companies that endanger our environment and our people by dumping hazardous wastes in Alabama ought to have to pay a very high price to do it.

Instead of welcoming the assault on our environment with open arms by our one-dollar per ton charge ... let's show the world that Alabama does not intend to continue to be the dumping ground of the nation.

And I am proud to recommend a tax that will hit those who deserve to be taxed until they are run out of business: those drug dealers who make their filthy money off the broken lives of our young people. I propose a stiff sales tax on illegal drugs. In Minnesota ... such a tax has raised hundreds of thousands of dollars. Let us waste no more time in enacting such a law in Alabama.

Finally ... I will ask you to remove the sales tax exemption on automobiles and bring Alabama into balance with our neighboring states at 3 percent.

This is not an easy recommendation for me to make. I have many friends and strong supporters in the automobile business who believe that removing this exemption will take unfair advantage of them. I respectfully disagree. The sales tax rate on automobiles in Georgia and Mississippi is 3 percent ... in Tennessee and Florida ... it's in excess of 5 percent. This increase will not put our automobile dealers at a competitive disadvantage.

What this increase means is this: if you trade cars and pay 10-THOUSAND dollars on the trade ... your sales tax will increase by about 150 dollars. Most dealers finance cars these days for 48 months or more. Financed for 48 months ... that 150-dollars in extra tax would cost you about 3-dollars and 87-cents a month.

Three dollars and 87 cents. I have spent the last few days traveling this state and I have not talked with a single young person who would rather pay 3-dollars and 87-cents more a month for a car than to see a grandmother thrown out of a nursing home.

I haven't talked with a parent in this state who would not rather pay 3-dollars and 87-cents more than to see their children continue

to be ravaged by drugs because district attorneys do not have the money to prosecute drug dealers.

And I have not talked with a single person who would not rather pay 3-dollars and 87-cents more a month for a car than to see us close a prison and put 700 dangerous criminals out on the streets.

I have not talked with a parent who would not rather pay 3-dollars and 87-cents more a month for a car than to see the state allow drunken drivers to rule our highways because we do not have enough money to keep state troopers on the road.

And I have not talked with anyone who would not rather pay 3-dollars and 87-cents more a month for a car than to see our abused and neglected children continue to cry out for help from the state.

The revenue proposals that I have outlined will add approximately 102-Million dollars to the General Fund in the next fiscal year ... and most importantly ... they will give us a solid tax base that should keep vital state services in good financial shape for years to come.

The consequences of failing to raise additional revenue would touch all of you ... and those back home that you represent.

Without additional revenue ... Alabama will lose its battle against infant mortality. This summer I ordered the expansion of the Medicaid program to provide more health care services for indigent mothers and their babies. But we need about 7-Million dollars more to continue that program for the full fiscal year 1989. A failure to provide this money will literally mean death for hundreds of babies before they reach their first birthdays. In 1986 ... 788 babies died as a result of poor health care. That gave Alabama the highest rate of infant mortality in the nation. That's a disgrace. Burying our heads in the sand will not make this issue go away.

In this the Year of the Child ... we have documented cases of children right here in Alabama going from door to door and begging for food to ease their hunger and wipe away their tears. There are more than 30-thousand cases of child abuse and neglect each year in Alabama ... and these cases are real. We were able to get to and help one child who had been abused and neglected. Her room had to be stripped to prevent her from hurting herself. When she was first hospitalized ... she barked like a dog to protect herself. Ladies and gentlemen ... that little girl is nine years old. The state was able to help her ... but there are hundreds more that we haven't been able to help yet.

I have ordered the Department of Human Resources in the last few months to hire more than 50 new case workers ... but we must

have more money to continue and improve on this work. If we do not increase revenue . . . we will not be able to keep those 50 case workers . . . and reports of child abuse will go on uninvestigated.

For other children . . . this new revenue could mean the difference between a lifetime of opportunity or a lifetime of poverty. We need a thousand new day care positions for children of working women who are trying to stay off welfare.

Our highways are becoming battlefields between those who seek only the freedom of safe travel and those who insist on drinking and driving. We need more state troopers on the roads and new cars to put them in. Last year . . . 373 people died on Alabama highways as a result of drunken drivers . . . and more than 7-thousand were injured. Alcohol is a drug just as much as cocaine is . . . and if we are going to work to stop drugs at our borders . . . it is time we drew the line on our highways as well.

Finally . . . our fine state employees deserve a pay raise. They have labored long and hard in the last four years without an across-the-board pay raise . . . and I will recommend a 5 percent increase.

Indeed . . . the problems in the General Fund are real . . . but so are the solutions that I have offered to you.

The news for the education budget is much brighter . . . but the hard choices are just as real. I have proposed what I believe is the best education budget in our state's history . . . one that puts money into the classrooms while rewarding our teachers for their hard work. Your task will be to resist the temptation to put this money into programs which take it away from our children. I believe you will stand your ground firm.

In this Year of the Child . . . we estimate there will be 336-Million more dollars available to be spent for education than was spent in the last school year. My proposed 2-point-4 Billion dollar education budget is the largest in the history of the state. The budget has benefitted from the tremendous economic growth in our state . . . and as we continue to keep Alabama Open for Business . . . our schools will continue to reap the financial rewards.

The strong growth in the education fund must serve as a reminder that economic development and education go hand-in-hand . . . and that a return to Alabama's old anti-business image can only slow the quality of education of our children. I believe the first state which changes the course of history and achieves a 97 or 98 percent literacy rate will have industry and jobs knocking at its door. That state should be Alabama.

My budget recommends that the state increase spending for textbooks by about 48 percent . . . and that we spend 10-Million

dollars to repair leaky roofs, rusty pipes and other problems with our school buildings. I also propose that we spend 10-Million dollars to replace some of the 32-hundred old and worn out school buses that still carry our children to school. We put some of those buses on the road before America put its first man on the moon.

My budget also will spend 30-Million dollars to replace temporary classrooms . . . and will allow the hiring of new kindergarten teachers as Alabama continues its efforts to improve the pupil-teacher ratio in our schools.

And I also want to make sure our children do not suffer the ravages of proration in the education budget. My program builds in a 42-Million-dollar reserve that should help ban the word proration from Alabama classrooms. This reserve will amount to about a 2 percent savings account. The education budget badly needs a savings account.

And while I am recommending more money for the children . . . I am proposing strong improvements in pay and benefits for our schoolteachers. Our schoolteachers deserve a pay raise . . . but they deserve much more than that. They deserve affordable insurance . . . and they ought to be guaranteed that they will not have to spend their own hard-earned money to buy classroom supplies to help educate our children.

That's why I am proposing a 5 percent pay raise for teachers . . . and 15-Million dollars more this year for teacher insurance benefits. That's 75 Million more dollars that I will recommend for the teachers this year. And to help our teachers do their jobs better . . . I propose that we almost double the amount of money teachers receive to buy classroom supplies . . . to 550 dollars a year.

I believe this education budget will set a new standard for Alabama . . . and show that we in state government are committed to serving our children first and foremost in the Year of the Child.

But as I have said many times . . . and as study after study on the national level has shown . . . increasing spending for education will not by itself guarantee us better educated children. That kind of educational quality can only come from a marriage of better funding and higher school standards. It is time that we stop leaving the responsibility for educational excellence to some professional educators who continue to insist that our schools will be fine if they just get more money . . . people who seem to fear public involvement in the schools. Unless the Alabama Legislature passes tough new laws demanding better performance and stronger accountability . . . our schools will continue to be left behind as a wave of educational reform sweeps through other states that are bold enough to say "yes,

we are not doing a good enough job and yes, we do need better schools."

A report by the U.S. Department of Labor called Workforce 2,000 says this: "If the economy is to grow rapidly and American companies are to reassert their world leadership, the educational standards that have been established in the nation's schools must be raised dramatically."

This summer . . . after the House of Representatives passed our Quality in Education bill by a vote of 94-5 . . . the state Board of Education approved a series of resolutions calling for the same kinds of basic, structural improvements in our schools that we demanded in our proposed legislation.

But we need higher standards and better accountability as a matter of law in Alabama schools . . . we do not need to leave it up to resolutions that can be undone in the twinkling of an eye, or ignored. For that reason . . . I will ask you to approve my education standards and accountability legislation so that the largest budget in Alabama history will carry with it a new demand for superior performance.

So much is demanded of us as we gather to meet the problems and the challenges that face us. The task may seem too difficult for ordinary men to bear . . . but so are the consequences of failure.

I am a common man elected by the people to do an uncommon job. I have a simple belief in the ultimate justice and the basic goodness of people. That is why I am optimistic that this special session will prove triumphant for our children and others who are depending on us in this time of crisis. That is why that I rejected the usual procedure and provided members of the Legislature detailed analyses of my budgets and copies of bills in advance of the start of the special session. My belief in your willingness to do what is right for our people prompted me to begin meeting with you three months ago on these issues . . . and to seek your written suggestions on solutions.

It is with a deep concern for our children and the future of our state that I appeal to each and every one of you to lay aside any selfish political interests and work together to meet the challenges ahead. The people of Alabama do not care right now who will be elected governor in 1990 or who will sit in your seats in the Legislature. The clock is running . . . and the ball is in your court. We have only 30 days to complete this task. I urge you . . . don't waste time with petty politics. Every minute wasted could be a life lost or a secure future sacrificed. There is no time for foolishness. There is

time . . . however . . . for real statesmanship. I have spent much time out among the people . . . so let me tell you . . . they know the difference.

STATE OF ALABAMA

September 26, 1988

MESSAGE FROM THE GOVERNOR

Ladies and gentlemen, please find attached a copy of the proclamation asking the Legislature to convene an extraordinary session on September 26, 1988.

It is my sincere hope that the Legislature will convene Monday and work for five consecutive days and pass a General Fund budget and appropriate funding before the start of the fiscal year on Saturday, Oct. 1.

The Legislature must understand the very serious and in some cases irreversible consequences of failing to adopt a General Fund budget before the end of this week. It is absolutely imperative that the Legislature work around-the-clock if necessary to pass a General Fund budget before the fiscal year begins Saturday.

The Finance Department and the Treasurer have made arrangements with several banks to meet the state payroll should the budget fail this week, but I hope the Legislature will not be lulled into thinking there is no crisis. It is vital that a budget pass this week. Failure to pass a budget would be taking an unacceptable risk with the lives and livelihoods of many Alabamians.

Without a budget on October 1, nursing homes that operate with Medicaid funds could be forced to go to the banks and borrow money to stay open because Medicaid funding for nursing home patients will stop. Perhaps even more devastating, there would be no Medicaid payments to hospitals, doctors and pharmacists, leaving 300,000 people, including 135,000 aged and disabled citizens, without medical care.

If the Legislature fails to pass a budget before Oct. 1, 45,000 poor families, including 90,000 children, who get financial help through the Department of Human Resources stand to be cut off. Failure to pass a budget also leaves no funding for 4,000 severely disturbed children in residential care facilities.

If the Legislature fails to pass a budget by Oct. 1, we will have to freeze well over \$100 million in federal funds for water and sewer improvements and other services, and the Alabama Department of Economic and Community Affairs will shut down a program that trained 18,500 people for jobs last year.

Without a budget, state money for free food programs that help 750,000 will be cut off. The same goes for 600,000 people who get other general assistance, such as rides to the hospital for kidney

dialysis. And 118,000 families who get help from the state in paying their utility bills will not get that help.

Without a General Fund budget, some of the state's very successful efforts in the war on drug abuse will cease. ADECA would not be able to allow \$2 million in grants to law enforcement agencies to go through, and the agency's highway safety program and anti-drunken driving efforts would be scuttled.

The Health Department would be left without the ability to approve septic tanks and building construction. Even more seriously, without a budget, the Health Department would be forced to stop its home health care programs, leaving thousands of elderly citizens without that vital health service. The Health Department also reports that the lack of a budget probably would force the shut down, or least the sharp curtailing of services, of the state health lab, which tests samples for AIDS and other diseases.

Human suffering isn't the only consequence of a failure to pass a General Fund budget. Without a budget, the state's economic development efforts would be severely harmed. State officials currently are dealing with dozens of active industrial prospects, but if we have no budget and we cannot offer those industries the roads, water and other infrastructure services they demand, Alabama could lose hundreds of jobs to other states. Without a budget, the state cannot authorize spending to assist those industrial prospects, and that very well could mean the difference between employment and unemployment for many. A failure to pass a budget also would send a message to those industrial prospects that our state government does not have a good grasp on the critical problems of our people and therefore may not be a good place to locate an industry and create jobs.

I am hopeful that you will consider all of this in the days to come and will work diligently to pass a budget this week that will keep state government operating and delivering the services that our people deserve.

Sincerely,
GUY HUNT,
Governor.

ALABAMA LAWS
And Joint Resolutions
FIRST EXTRAORDINARY SESSION 1988

Act No. 88-666

S. 17—Senator Bedford

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Lamar County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901, as amended:

PROPOSED AMENDMENT

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Lamar County Water Coordinating and Fire Prevention Authority in all or in portions of Lamar County as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Lamar County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Lamar County; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 Special Session of the Legislature to authorize the creation of such authority in Lamar County and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate September 1, 1988

Passed the House September 6, 1988

Act No. 88-667

S. 19—Senator Bedford

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Fayette County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901, as amended:

PROPOSED AMENDMENT

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Fayette County Water Coordinating and Fire Prevention Authority in all or in portions of Fayette County as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to

fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Fayette County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Fayette County; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 Special Session of the Legislature to authorize the creation of such authority in Fayette County and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate September 1, 1988

Passed the House September 6, 1988

Act No. 88-668

S. 16—Senator Bedford

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Franklin County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901, as amended:

PROPOSED AMENDMENT

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Franklin County Water Coordinating and Fire Prevention Authority in all or in portions of Franklin County as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Franklin County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Franklin County; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 Special Session of the Legislature to authorize the creation of such authority in Franklin County and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is

published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate September 1, 1988

Passed the House September 6, 1988

Act No. 88-669

S. 18—Senator Bedford

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Winston County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901, as amended:

PROPOSED AMENDMENT

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Winston County Water Coordinating and Fire Prevention Authority in all or in portions of Winston County as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Winston County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Winston County; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 Special Session of the Legislature to authorize the creation

of such authority in Winston County and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate September 1, 1988

Passed the House September 6, 1988

Act No. 88-670

H. 122—Rep. Faulk

AN ACT

To propose a self-executing amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Crenshaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The probate judge of Crenshaw County shall be entitled to receive compensation in the form of an annual salary which shall be equal to the annual salary compensation paid by the state to the district court judge in said county. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law,

and shall be paid in equal monthly installments out of the general fund in the county treasury.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Crenshaw County shall hereafter continue to be collected but shall be paid into the county general fund.

Section 2. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 3. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Crenshaw County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state. If approved by a majority of the qualified electors of Crenshaw County, the provisions of this proposed amendment shall be self-executing and shall become effective immediately and shall require no further legislative action.

CONSTITUTIONAL AMENDMENT

Passed the House September 1, 1988

Passed the Senate September 7, 1988

Act No. 88-671

H. 225—Rep. Breedlove

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Washington County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The Washington County Commission is hereby authorized in its discretion to establish fire districts within the geographical boundaries of Washington County. The boundaries of such fire districts may be

rearranged at the discretion of the county commission as it deems necessary from time to time, to maximize fire protection services in the county. The county commission may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own volunteer fire department functioning strictly within its district boundaries.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

There is hereby levied commencing October 1, 1989, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of two mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Washington County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Washington County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House September 1, 1988

Passed the Senate September 7, 1988

Act No. 88-672

H. 1—Rep. Grouby

AN ACT

To propose a self-executing amendment to the Constitution of Alabama of 1901, relative to the compensation of the judge of probate of Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

Commencing at the next term of office, the probate judge of Autauga County shall be entitled to receive compensation in the form of an annual salary. Such annual salary shall be the amount of the minimum salary prescribed by general law and shall continue for the first three years of such term of office. Thereafter, the minimum annual salary of the probate judge of Autauga County shall be 90 percent of the annual compensation and allowance paid the presiding circuit judge of the 19th judicial circuit or the minimum salary prescribed by general law, whichever is higher. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Autauga County shall hereafter continue to be collected but shall be paid into the county general fund.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Autauga County. The election shall be held in accordance

with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House September 1, 1988

Passed the Senate as amended September 7, 1988

House concurred in Senate Amendment September 8, 1988

Act No. 88-673

H. 285—Rep. Campbell

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The governing body of the City of Anniston in Calhoun County is hereby authorized to appropriate the sum of \$35,000.00 (thirty-five thousand dollars) from public funds on a one-time basis only to the East Alabama United Cerebral Palsy Center for the cost of its complex at the Jaycee Park.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Calhoun County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House September 2, 1988

Passed the Senate September 8, 1988

Act No. 88-674

H.J.R. 32—Rep. Haynes

HOUSE JOINT RESOLUTION

COMMENDING THE TALLADEGA LITTLE LEAGUE
GIRLS' SOFTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Talladega Little League Girls' Softball Team on their outstanding 1988 season; and

WHEREAS, under Coaches Jimmy Wilkerson and Ricky Lawson, these talented eleven- and twelve-year-old lady All-Stars from Talladega captured the District, State and Sectional Championships, and were Runner-up to the Division Title; and

WHEREAS, throughout the season, the team indeed displayed the sterling attributes of dedicated athletes that are in keeping with the Little League Pledge of fair play, will to win and good sportsmanship at all times; and

WHEREAS, to be commended for their contributions to a fantastic championship season are Little Leaguers Kioka Bonner, Brooke Burlison, Carrie DeVandry, Jennifer Hurst, Nakia Kelly, Cheryl Kulk, Laquita McGhee, Lori Robinson, Leslie Rowls, Misty Sisk, Tennille Tillery, Christy Trammell, Lator Ie Twymon and Lorene Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coaches Jimmy Wilkerson and Ricky Lawson and the Talladega Little League Girls' Softball Team, and do further direct that copies of this resolution be provided for presentation to these champion All-Star Little League participants.

Approved: September 8, 1988

Time: 3:55 P.M.

Act No. 88-675

H.J.R. 33—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM E. ELDER OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to William E. Elder, head basketball coach and president of Mobile College Athletic Offices, as Gulf Coast Athletic Conference and NAIA District 30 Coach of the Year (1987-88) after leading the Mobile College Rams to the GCAC Championship and a berth in the NAIA National Tournament; and

WHEREAS, Dr. Elder concluded the 1987-88 basketball season with a .643 winning percentage during his 21-season career, a phenomenal record that includes 20 consecutive winning seasons compiled at Northeast State Junior College (1966-1973), the University of Montevallo (1973-1985), and at Mobile College since the 1986-87 season; and

WHEREAS, we further note that during 1987-1988, four of Mobile College's five athletic teams participated in their respective NAIA National Tournaments; and

WHEREAS, Dr. Elder, a Birmingham native and an outstanding high school athlete in Bucyrus, Ohio, received his BS degree from Samford University, the Master's degree from the University of Tennessee and a Ph.D. from the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we hereby most highly commend William E. Elder of Mobile, Alabama; we further congratulate him as both the GCAC and NAIA District 30 Coach of the Year and direct that he receive a copy of this resolution of sincere praise and esteem.

Approved September 8, 1988

Time: 3:55 P.M.

Act No. 88-676

H.J.R. 34—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING SAINT IGNATIUS SCHOOL AND PRINCIPAL JAN MURRAY.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of Saint Ignatius School in Mobile as a recipient of the United States Department of Education Exemplary Elementary School Award; and

WHEREAS, Saint Ignatius School, one of only 289 elementary schools, nationwide, to receive this outstanding award, was selected on the basis of a clear statement of purpose and goals, comprehensive curriculum, attention to the individual needs of students, promotion, values and good discipline, a systemic program of pupil and school evaluation, and outstanding parental and community involvement; and

WHEREAS, receiving the award for Saint Ignatius at the White House in Washington, D.C. was the school principal, Miss Jan Murray, who has provided the strong leadership that is an additional criterion for recipients of this prestigious distinction; and

WHEREAS, Miss Murray, who received her B.S. and M.A. degrees at the University of South Alabama, is a former teacher of mathematics and has served since 1980 as principal of Saint Ignatius; and

WHEREAS, founded in 1952, Saint Ignatius has a student enrollment of 600 in grades pre-school through eight, and is widely recognized in Mobile for its contributions to the community and for having outstanding parents who fully support the school's equally outstanding principal and staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Saint Ignatius School, Principal Jan Murray and her staff on Saint Ignatius' designation by the United States Department of Education as an Exemplary Elementary School.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display at Saint Ignatius School, Mobile, Alabama.

Approved September 8, 1988

Time: 3:56 P.M.

Act No. 88-677

H.J.R. 36—Reps. Crow, Willis and
Campbell

HOUSE JOINT RESOLUTION

COMMENDING EAGLE SCOUT GEORGE WALTER WATSON OF CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates George Walter Watson of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, George Walter Watson, who is the 17-year-old son of Gloria and George Watson, has completed his Junior year at Saks High School where he is active in the Saks High basketball and golf programs; he also is an active member of Gladeview Baptist Church and, in scouting, has held numerous leadership positions including two years on the Council Summer Camp Staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout George Walter Watson, and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

Approved September 8, 1988

Time: 3:57 P.M.

Act No. 88-678

H.J.R. 37—Reps. Crow, Willis and
Campbell

HOUSE JOINT RESOLUTION

COMMENDING EAGLE SCOUT JEFFERY A. EDWARDS
OF CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Jeffery A. Edwards of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, Jeffery Edwards, who is the 14-year-old son of Linda and Ed Edwards, has completed the eighth grade at Saks School where he is an Honor Student and active in both football and baseball; he also is an active member of the First Baptist Church of Saks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout Jeffery A. Edwards, and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

Approved September 8, 1988

Time: 3:58 P.M.

Act No. 88-679

H.J.R. 38—Reps. Crow, Willis and
Campbell

HOUSE JOINT RESOLUTION

COMMENDING EAGLE SCOUT JOHN T. RITONDO, JR.,
OF CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates John T. Ritondo, Jr., of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, John T. Ritondo, Jr., who is the 18-year-old son of Rose and John T. Ritondo, is a 1988 Honor graduate of Weaver High School where he achieved a perfect 4.0 average, was included in Who's Who Among American High School Students, and was voted Most Likely to Succeed; and

WHEREAS, he further is a member of Mary Queen of Peace Church and president of the Catholic Youth Organization; a member of numerous other organizations; and the recipient of many awards and honors; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout John T. Ritondo, Jr., and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

Approved September 8, 1988

Time: 3:59 P.M.

Act No. 88-680H.J.R. 39—Reps. Crow, Willis and
Campbell

HOUSE JOINT RESOLUTION

COMMENDING EAGLE SCOUT JEFFERY A. DAXE OF
CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Jeffery A. Daxe of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, Jeffery Daxe, who is the 16-year-old son of Lorraine and Arnold Daxe, Jr., has completed his Sophomore year at the Donoho School in Anniston where he is a member of the Varsity basketball team; he also is an Honor Student, holds the #7 NASTAR Ski Ranking and is included in Who's Who Among American High School Students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout Jeffery A. Daxe, and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

Approved September 8, 1988

Time: 4:00 P.M.

Act No. 88-681

H.J.R. 41—Rep. Davis

HOUSE JOINT RESOLUTION

COMMENDING MCCULLOUGH WILLIAMS FOR OUT-
STANDING SERVICE.

WHEREAS, it is with sincere praise and regard that the Alabama Legislature notes the distinguished service of McCullough Williams; and

WHEREAS, Mr. Williams is a leading and outstanding funeral director in Youngstown, Ohio as well as throughout the State of Ohio; and

WHEREAS, McCullough Williams has indeed provided outstanding leadership, marked with distinguished accomplishments by benefiting many citizens of this great nation; and

WHEREAS, Mr. Williams has indeed served the youth of his county long and well by organizing little league baseball and football teams and is to be highly praised for his loyalty and dedication to the youth, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby commend and congratulate McCullough Williams, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved September 8, 1988

Time: 4:01 P.M.

Act No. 88-682

H.J.R. 70—Reps. Hettinger, Hall, Freeman
and Grayson

HOUSE JOINT RESOLUTION

SUPPORTING THE ESTABLISHMENT OF A NATIONAL CEMETERY IN NORTH ALABAMA/MADISON COUNTY.

WHEREAS, burial in a National Cemetery is authorized, on a space available basis, for any deceased veteran of wartime or peacetime service who was discharged under conditions other than dishonorable; and

WHEREAS, burial for spouses, and, in some cases, a veteran's unmarried children, is also available; and

WHEREAS, the veteran population in Madison, Morgan, Lauderdale, Marshall, Jackson, and Limestone Counties now exceeds 57,000; and

WHEREAS, an allowance for 75% of the veteran population being married adds an additional 42,000 people as candidates for interment in a National Cemetery; and

WHEREAS, by considering the transferal of bodies from other locations or other cemeteries, and the number of active duty military personnel in the area, approximately 11,400 additional spaces could be needed; and

WHEREAS, the average age of wartime veterans—WW I exceeds 90; WW II, 69; Korea, 56; and Vietnam, 40—will cause the burial rate to increase within the next 10 to 15 years; and

WHEREAS, the nearest National Cemetery to this area is Chattanooga, Tennessee, with 61,000 available spaces; and

WHEREAS, the nearest National Cemetery in Alabama is near Phenix City which is 250-300 miles from North Alabama; and

WHEREAS, the major veterans organizations (DAV, VFW, American Legion, and EX POW), assembled in state convention during June 1988, passed resolutions supporting the establishment of a National Cemetery in North Alabama/Madison County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join such organizations as the DAV, VFW, American Legion and EX POW, in supporting the establishment of a National Cemetery in North Alabama/Madison County.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Veterans Administration and to Alabama's Congressional Delegation in Washington, D.C.

Approved September 8, 1988

Time: 4:02 P.M.

Act No. 88-683

H.J.R. 2—Rep. Campbell

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on August 30, 1988, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved September 8, 1988

Time: 4:03 P.M.

Act No. 88-684

S.J.R. 2—Senator deGraffenried

SENATE JOINT RESOLUTION

COMMITTEE APPOINTED TO ESCORT GOVERNOR TO
JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on August 30, 1988, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved September 8, 1988

Time: 4:04 P.M.

Act No. 88-685

H.J.R. 21—Rep. Richardson

HOUSE JOINT RESOLUTION

COMMENDING JOHN CLINTON HARRIS OF SCOTTS-
BORO, ALABAMA, FOR DISTINGUISHED SERVICE TO CIVI-
TAN INTERNATIONAL.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the recent recognition accorded John Clinton Harris of Scottsboro, Alabama, as one of only 12 individuals, nationwide, to have attained 50 years of service to Civitan; and

WHEREAS, Mr. Harris, however, has actually given more than 55 years in dedication to the programs and ideals of Civitan, having joined the organization in 1933; and

WHEREAS, among the many club projects in which Mr. Harris has participated are the establishment of a cheese plant in 1939 and the rubber salvage program for the war effort in 1942; and

WHEREAS, he also was active in the club's drive resulting in the sale of 50% of the county's war bonds; in the establishment of

the Boy Scout camp; and fund raising efforts to purchase buses for the local schools; and

WHEREAS, Mr. Harris, as a former club president, initiated several projects, including the fruitcake sale, that are still included among Civitan activities; he also was instrumental, during his presidency, in the construction of the Civitan pavilion in Jackson County Park, and is credited with securing a \$25,000 grant from Civitan International for Valley Industries; and

WHEREAS, also a former city councilman, Mr. Harris has indeed greatly contributed to the progress and well-being of the community, and his efforts through Civitan involvement have been of inordinate benefit to the City of Scottsboro and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend John Clinton Harris of Scottsboro, Alabama, for outstanding service to Civitan and the community, and do further direct that he receive a copy of this resolution of sincere praise and esteem.

Approved September 8, 1988

Time: 4:05 P.M.

Act No. 88-686

H.J.R. 22—Rep. Richardson

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF OAKLEY SHARP OF JACKSON COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Oakley "Red" Sharp of Jackson County, Alabama, on May 30, 1988, at the age of 69 years; and

WHEREAS, a lifelong resident of Jackson County, Mr. Sharp was widely known throughout the community and state as one of our most colorful citizens and an individualist of legendary nonconformity; and

WHEREAS, Mr. Sharp, who was first employed with a farm and mule operation in Hollywood, worked for the WPA during the Depression years and in Tullahoma and Oak Ridge, Tennessee, during World War II; in 1952, he established his first business, Red Sharp Sand and Gravel, which was to become highly successful and was later operated under the name of Red Sharp, Inc.; and

WHEREAS, Red Sharp also is credited with numerous Jackson County "firsts" including the county's first race car, cutting horse, dump truck and ready-mix plant, as well as the first water wheel which he shared with the community; and

WHEREAS, he further is well-known and remembered as the owner of the county's first zebra which was shown in many parades, as was the open wooden wagon made for him by his longtime friend, Probate Judge R. I. Gentry; and

WHEREAS, in accordance with a last request by Oakley "Red" Sharp, his casket was transported to his final resting place on the mule-drawn wagon that was driven by his friend, Judge Gentry, and a brother-in-law, Mr. Chuck Anderson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Oakley Sharp of Jackson County, Alabama; we further mourn the passing of a legend and the loss of a truly kind, generous and loving man.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sharp's beloved wife, Mrs. Zelma Bellomy Sharp, that she and his sisters, Mrs. Roy Dickerson and Mrs. W. T. Skelton, and other family members may know of our shared sorrow in their great and grievous loss.

Approved September 8, 1988

Time: 4:06 P.M.

Act No. 88-687

H.J.R. 23—Rep. Richardson

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. MYRTLE WORTHEN ON THE OCCASION OF HER 101ST BIRTHDAY.

WHEREAS, the Legislature of Alabama notes with pleasure the 101st birthday on August 24th of Mrs. Myrtle Worthen of Scottsboro, Alabama, who was born on that date in 1887; and

WHEREAS, Mrs. Worthen, who was widowed at an early age, was the sole support of her young children; with great courage, however, and an abundance of faith, she reared her family alone and without the benefit of today's welfare programs and other forms of government assistance; and

WHEREAS, as a reflection of Mrs. Worthen's resourcefulness that is reminiscent of yesteryear's pioneer stock, all her children grew to become useful citizens and contributors to their communities; and

WHEREAS, Mrs. Myrtle Worthen is indeed a warm, gracious and loving lady who remains vitally interested in the lives of her family as well as her many friends and the staff at the Scottsboro Nursing Home where she now resides and is a participant in the programs of the Trinity Baptist Homebound Ministry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with her family and the community in extending best birthday wishes to Mrs. Myrtle Worthen of Scottsboro, Alabama, and do further direct that she receive a copy of this resolution of sincere admiration and regard.

Approved September 8, 1988

Time: 4:07 P.M.

Act No. 88-688

H.J.R. 54—Reps. Bugg, Ford and Junkins

HOUSE JOINT RESOLUTION

COMMENDING GOLF CHAMPION REX KEELING OF GADSDEN, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Rex Keeling as winner of the 62nd annual Gadsden Country Club Invitational Golf Tournament; and

WHEREAS, thrown into a play-off, Rex Keeling putted for a birdie on the 412-yard first hole to capture the title and his second GCC championship, having previously won the tournament twenty-two years ago in 1966; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as the 1988 GCC Golf Tournament Champion, we hereby commend Rex Keeling, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved September 8, 1988

Time: 4:08 P.M.

Act No. 88-689

H.J.R. 61—Rep. Rains

HOUSE JOINT RESOLUTION

COMMENDING GENE STARNES OF GUNTERSVILLE,
ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation, that the Alabama Legislature recognizes the many and outstanding accomplishments of Gene Starnes of Guntersville, Alabama, a Marshall County native who has greatly distinguished himself in numerous fields of endeavor; and

WHEREAS, Mr. Starnes, although widely known as a successful businessman, prominent politician and community leader, has achieved most notably in the field of gospel music, and as a pioneer and proponent for some 65 years of an art form indigenous to his native Southland; and

WHEREAS, both talented and dedicated in his pursuit of praise to the Lord through music and song, Mr. Starnes has traveled throughout Alabama, the South and in other areas of the country, singing with various quartets, participating in conventions, and serving the cause of gospel music in many leadership positions; and

WHEREAS, Gene Starnes, who also is a former radio show producer, disc jockey and performer, is the composer of three successful gospel song hits; the recipient of such distinctions as the first national "Mr. Gospel Disc Jockey" award and "Gene Starnes Day"; and is a former newspaper contributor whose "Gospel Notes" column enjoyed tremendous popularity with its readers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions in the field of gospel music, we hereby most highly commend Gene Starnes of Guntersville, Alabama, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

Approved September 8, 1988

Time: 4:09 P.M.

Act No. 88-690

H.J.R. 69—Rep. Buskey (JL)

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. OLIVER FENISON ON
THEIR 70TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 70th wedding anniversary, August 14, 1988, of Mr. and Mrs. Oliver Fenison of Montgomery, Alabama; and

WHEREAS, in the sight of God, Oliver Fenison and Rachel Boyd were joined in wedlock on August 14, 1918, and these two fine people, forsaking all others, have remained in said holy state for the past 70 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, of this union, were born sixteen children who have been the beneficiaries of their parents' wisdom and love and, above all, their strong, positive Christian character; and

WHEREAS, their sons and daughters have all been highly successful in life, as have their grandchildren, and in many business and professional fields; and

WHEREAS, for the past 27 years, the Fenison family have met annually to honor and revere their parents and, this year, the reunion was held on the occasion of their 70th wedding anniversary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Montgomery, Alabama, Mr. and Mrs. Oliver Fenison, and wish them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Fenison that they may know of our congratulations and warm best wishes for the future.

Approved September 8, 1988

Time: 4:10 P.M.

McDowell, Rogers, Crow,
White (F), Warren, Willis,
Freeman and Richardson

AN ACT

To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half percent (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; to establish miscellaneous pay provisions; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. LEGISLATIVE INTENT. It is the intent of this Act to provide a pay increase as enumerated herein to certain active public educational employees to begin with the 1988-89 fiscal year and to continue thereafter. It is also the intent of this Act to authorize and mandate a continuing pay provision of ten percent for those teachers who may, from year to year, meet the requirements of "continuing service status" or teaching experience as enumerated in Act 85-796 and herein. For purposes of this Act only, "continuing service status" shall be measured by "the anniversary date of employment." The Legislature directs that the pay raise provisions of this Act are to be paid from the funds from which the institution or school system receives its appropriations for the fiscal year beginning October 1, 1988.

Section 2. DISBURSEMENT PROVISIONS. The State Budget Officer shall allocate to the State Board of Education, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Youth Services Department District, and the Alabama School of Fine Arts for disbursement the funds based on the following criteria:

(a) Kindergarten through Grade 12 (K-12).

(1) A seven and one-half percent (7.5%) increase on the state salary allocation payable during the 1987-88 fiscal year for all teacher units in all public school programs. The seven and one-half percent (7.5%) increase on the state allotment shall be paid to each teacher.

(2) A seven and one-half percent (7.5%) increase on the salaries paid during the 1987-88 fiscal year to all employees of the Alabama Institute for Deaf and Blind. The seven and one-half percent (7.5%) pay increase shall be paid to each person employed.

(3) A seven and one-half percent (7.5%) increase on the salaries paid to all public education support workers during the 1987-88 fiscal

year. The seven and one-half percent (7.5%) pay increase shall be paid to each support worker. This subsection shall not apply to those employees at the Department of Youth Services who are covered under the state's merit system.

(4) Each teacher employed by the various city and county boards of education, Alabama Institute for Deaf and Blind, Youth Services Department District, and the Alabama School of Fine Arts shall receive the additional ten percent (10%) increment on the state salary allocation as provided in Act 85-796 if he/she has ever achieved "continuing service status" or tenure (in-state or out-of-state), or if he/she is to achieve "continuing service status" during the scholastic year for the first time, or if he/she has ever attained five years of teaching experience in any public school system(s) or public institution(s) of learning (in-state or out-of-state), or if he/she attains five years of teaching experience during the scholastic year for the first time in any public school system(s) or public college(s), or institution(s) of higher learning. Each teacher shall be entitled to receive the additional ten percent increase as provided in this subsection only one time during his/her teaching career; such increase, however, shall remain a part of said teacher's salary so long as he/she remains employed.

(b) **POSTSECONDARY.** The State Budget Officer shall allocate to the State Board of Education for disbursement to all two-year college personnel the funds necessary to grant pay increases based on the following:

(1) All full-time employees of the two-year colleges shall receive at least a seven and one-half percent (7.5%) salary increase for the 1988-89 fiscal year over and above their 1987-88 salaries in addition to any step increases to which the employees are otherwise entitled.

(2) The Postsecondary Education Department shall grant proper credit on the Salary Schedules to all two-year college personnel based upon prior work experience in the public schools and colleges in Alabama and shall also ensure proper placements on the Salary Schedules based on said work experience.

Section 3. MISCELLANEOUS. (a) All of the salary increases provided in Section 2(a) of this Act shall be paid in full to each teacher or employee (including vocational, special education, and Head Start employees employed by the board of control) in equal monthly installments before the end of the 1988-89 fiscal year (as defined in §16-1-1, Code of Alabama, 1975).

(b) The salary increases as enumerated in Section 2(a) of this Act are for employees with contracts of up to 180 days. Additional

pro rata salary increments shall be granted to employees whose contracts extend beyond 180 days.

(c) The salary increases contained throughout this Act shall be exclusive of all local increments due.

(d) No employees shall be dismissed or have his/her work hours or salary reduced due to the provisions of this Act.

(e) The provisions which are enumerated in this Act shall continue in effect from year to year unless otherwise provided herein.

(f) The "Other Current Expense" in the Alabama Special Educational Trust Fund Appropriations Act shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. All lunchrooms shall be fully funded by local school boards from these and any other local and/or state funds available and not just exclusively from funds generated by lunchroom sales. All monies for pay raises provided herein shall be used by the boards of education in such manner and shall not be withheld from any school lunch program which may need such funds to provide employee raises.

Section 4. REPEALER. All laws or part of laws which conflict with this Act are repealed.

Section 5. SEVERABILITY. In the event any section, sentence, clause, or provision of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sentences, clauses, or provisions of this Act, which shall continue effective.

Section 6. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:50 P.M.

Act No. 88-692

H. 28—Reps. Harper, Adams and Wright

AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September

30, 1989, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1989, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total		
ASETF	Trust Funds	Appropriation Total

SECTION 3.

A. STATE AGENCIES:

1. AMERICAN LEGION AND AUXILIARY SCHOLAR- SHIPS:

(a) Support of Other Educational
Activities Program

40,000

SOURCE OF FUNDS:

(1) ASETF	40,000	
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Total American Legion and Auxiliary Scholarships	40,000	40,000
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To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-31-1 through 16-31-4.

2. DATA SYSTEMS MANAGEMENT DIVISION, DEPARTMENT OF FINANCE:-

(a) Administrative Support Services Program	7,000,000
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This appropriation is to be expended for capital outlay and operation and maintenance of the supercomputer.

SOURCE OF FUNDS:

(1) ASETF	7,000,000	
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Total Department of Finance-Data Systems Management Division	7,000,000	7,000,000
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3. DEBT SERVICE:

(a) Debt Service Program	649,708
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For interest on endowments as follows:

For interest on University of Montevallo (Alabama College) Endowment, Estimated34,964

For interest on Auburn University Endowment20,280

For interest on University of Alabama Endowment61,000

For interest on Grove Hill Endowment600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated410,000

Interest on School Indemnity
Lands, Estimated90,000

Interest on Valueless 16th Section
Lands5,825

Interest on Surplus
Revenue26,764

Interest on James Wallace
Fund275

Total Interest on Public School
Fund Endowment532,864

SOURCE OF FUNDS:

(1) ASETF	649,708	
Total Debt Service	649,708	649,708

4. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	176,000
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SOURCE OF FUNDS:

(1) ASETF	176,000	
Total Board of Dental Scholarship Awards	176,000	176,000

To be expended under the provi-
sions of Code of Alabama 1975,
as amended, Sections 16-47-76
through 16-47-81.

5. EDUCATION, DEPART- MENT OF:

(a) Administrative Services Program	14,814,851
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The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Compact for Education44,000

Operations and Maintenance of
Department3,122,013

Leadership and
Management300,000

Electronic Network500,000

Emergency Food Assistance
Program65,337

SOURCE OF FUNDS:

(1) ASETF	4,031,350		
(2) Federal and Local Funds		10,783,501	

Total Administrative Services Program	4,031,350	10,783,501	14,814,851
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(b) Adult Basic Education/Community Education Program			5,929,414
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The ASETF monies included in the above program are to be distributed by the Department of Education as follows:

Adult Basic Education ...2,439,798

Community Education674,669

Of the above appropriation to the Department of Education for Community Education, \$85,000 shall be allocated to the Birmingham Board of Education's Department of Community Education.

SOURCE OF FUNDS:

(1) ASETF	3,114,467		
(2) Federal and Local Funds		2,814,947	

Total Adult Basic Education/Community Education Program	3,114,467	2,814,947	5,929,414
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(c) Financial Assistance Program			249,331,093
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Elementary Teachers
Scholarships23,760

To be paid in accordance with Code of Alabama 1975, as amended, Section 16-23-17.

SOURCE OF FUNDS:

(1) ASETF	23,760		
(2) Federal and Local Funds		249,307,333	
Total Financial Assistance Program	23,760	249,307,333	249,331,093
(d) Instructional Technical Assis- tance Program			10,931,895

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Basic Skills Program	949,215
Early Childhood Education Administration	97,998
Instructional Technical Assistance	1,283,181
Special Education Administration	400,902
Vocational Education Administration	871,262
Drug Education	200,000
National Geographic Grant- Matching Funds	50,000

SOURCE OF FUNDS:

(1) ASETF	3,852,558		
(2) Federal and Local Funds		7,079,337	
Total Instructional Technical As- sistance Program	3,852,558	7,079,337	10,931,895
(e) Local Agency Support Program			21,051,684

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Advanced Placement	468,891
Driver Education, School Bus Driver Training and Vehicle Safety Inspection	249,450
Free Textbooks	15,365,118

In addition to the above appropriation for free textbooks, there is hereby appropriated \$1,388,677 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

Guidance and
Counseling150,000

Operations and
Maintenance1,034,502

School Attendance76,204

School Facilities and Architectural
Services196,934

Testing1,409,464

State Board's Educational Accountability Program200,000

For the implementation of measures to achieve educational accountability, as adopted by resolutions of the State Board of Education.

SOURCE OF FUNDS:

(1) ASETF	19,150,563		
(2) Federal and Local Funds		1,901,121	
Total Local Agency Support Program	19,150,563	1,901,121	21,051,684
(f) Regulation Program			2,469,861

The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and
Maintenance914,998

Teacher Certification and
Accreditation385,851

Undergraduate/Graduate Program
Approval251,232

SOURCE OF FUNDS:

(1) ASETF	1,552,081		
(2) Federal and Local Funds		917,780	

Total Regulation Program	1,552,081	917,780	2,469,861
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(g) Support of Other Educational Activities Program			8,839
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents	8,839
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SOURCE OF FUNDS:

(1) ASETF	8,839	
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Total Support of Other Educational Activities Program	8,839	8,839
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For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, as amended, Sections 16-33-1 through 16-33-12.

(h) Support of State Universities Program		50,000
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SOURCE OF FUNDS:

(1) Federal and Local Funds	50,000	
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Total Support of State Universities Program	50,000	50,000
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TOTAL DEPARTMENT OF EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	31,733,618	
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(2) Federal and Local Funds	271,757,019	
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GRAND TOTAL DEPARTMENT OF EDUCATION	31,733,618	271,757,019	303,490,637
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6. EDUCATION, STATE BOARD OF-MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:

(a) Financial Assistance

Program	627,124,901
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SOURCE OF FUNDS:

(1) ASETF	578,448,416		
(2) Public School Fund		44,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program, Public School Fund and Local Funds ..	578,448,416	48,676,485	627,124,901

The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1988-89 is based on 22,613.28 teacher units. It is provided in the event that there are more than 22,613.28 earned teacher units for the fiscal year 1988-89, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$44,000,000 available from the Public School Fund for the fiscal year 1988-89, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$300,000.

For "Salaries" the total shall not exceed the sum of \$472,174,234. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	3,138.72	\$ 71,600,480
I	21,359	13,904.91	296,994,973
II	18,597	5,569.65	103,578,781
III	15,658	0.00	0
IV	13,598	0.00	0
		<u>22,613.28</u>	<u>\$ 472,174,234</u>

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,261,328.

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$96,022,319. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,322,877.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$55,044,143. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

7. EDUCATION, STATE BOARD OF-LOCAL BOARDS:

(a) Financial Assistance
Program 693,237,206

SOURCE OF FUNDS:

(1) ASETF 693,237,206
Total State Board of Education-
Local Boards 693,237,206 693,237,206

To be distributed by the State
Board of Education for:

(1) Teachers' Sick
Leave4,335,405

Of the appropriation hereinabove
made for Teachers' Sick Leave,
the rate of not more than \$20.50
per day is hereby appropriated.
It is the intent of the Legislature

that the rate of local supplements paid by each school system for teachers' sick leave for the 1985-86 fiscal year be continued at that rate through the 1988-89 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick

Leave1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal

Leave1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1985-86 fiscal year be continued at that rate through the 1988-89 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

(4) Support Personnel Personal

Leave479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance

with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1 provides for two (2) days personal leave at the rate of not more than \$17 per day.

- (5) Classroom Instructional
Supplies 21,711,250

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred fifty dollars (\$550) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,711,250 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code

of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for that purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safeguards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(6) Kindergarten Instructional
Supplies1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying

that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 16,398,059

To be distributed on a formula to all local boards of education by the State Board of Education.

(8) Continuation of Funds Previously Granted for Special Education 23,400,161

(9) Special Schools for Special Education 2,151,500

To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which

shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$130,500 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$500,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders.

(10) Kindergarten Teacher

Units 74,426,472

The above appropriation is for 3,039.20 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$61,343,385. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	152.56	\$ 3,480,199
I	21,359	1,513.52	32,327,274
II	18,597	<u>1,373.12</u>	<u>25,535,912</u>
		3,039.20	\$ 61,343,385

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$12,905,294. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,793.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,039.20 teacher units are earned for the fiscal year 1988-89, then such amount shall not be allotted or paid. In the event more than 3,039.20 teacher units are earned for the fiscal year 1988-89, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

(11) Continuation of Teacher

Units to reduce pupil-teacher ratio in grades 1-6 16,071,375

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,273,268. The State Board of Education shall have the discretion to redistribute the

number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	80.02	\$ 1,825,416
I	21,359	307.00	6,557,213
II	18,597	<u>262.98</u>	<u>4,890,639</u>
		650.00	\$ 13,273,268

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$2,760,082. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$38,025.

- (12) Teacher Units to reduce pupil-
teacher ratio in
Grade 12,763,836

The above appropriation is for 110
teacher units and includes sala-
ries, other current expense, and
capital improvements at the fol-
lowing rates:

For "Salaries" the total shall not exceed the sum of \$2,290,310. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	22.00	\$ 501,864
I	21,359	55.00	1,174,745
II	18,597	<u>33.00</u>	<u>613,701</u>
		110.00	\$ 2,290,310

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$467,091. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$6,435.

- (13) Supportive Teacher
Units 44,321,160

The above appropriation provides
for one extra unit or fraction

thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11). The above appropriation is for 1,753.50 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$36,772,728. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	349.12	\$ 7,964,125
I	21,359	974.42	20,812,637
II	18,597	<u>429.96</u>	<u>7,995,966</u>
		1,753.50	\$ 36,772,728

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$7,445,852. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$102,580.

(14) Special Education Teacher
Units 89,146,910

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements, and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$73,316,980. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	300.65	\$ 6,858,428
I	21,359	2,520.00	53,824,680
II	18,597	<u>679.35</u>	<u>12,633,872</u>
		3,500.00	\$ 73,316,980

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$14,861,980. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

(15) Driver Education Teacher

Units7,290,889

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,042,503. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	23.00	\$ 524,676
I	21,359	200.01	4,272,014
II	18,597	66.99	1,245,813
		290.00	\$ 6,042,503

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$1,231,421. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Vocational

Education 74,803,277

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated

for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, \$200 shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$570,400 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$570,400 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$570,400 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(17) Teachers' Free

Time3,500,000

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty minutes of time free from instructional or supervisory responsibilities each teaching day.

- (18) Salary Increases for Tenured Teachers (Estimated) 67,065,303

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

- (19) Support Personnel Salary Increase (Estimated) ... 23,737,250

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

- (20) Library Enhancement
(K-12) 5,100,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education.

(21) Social Security (FICA)-State Share (Estimated) ... 99,203,060

(22) 7.5% Salary Increase for State-funded Teacher Units and full-time support personnel 74,833,413

(23) Vocational Equipment4,000,000

To be distributed on a formula to all local boards of education by the State Board of Education.

(24) Salary Increase for Locally-funded Teacher Units5,250,000

In addition to the above appropriation, there is hereby appropriated an additional \$2,625,000 for a salary increase supplement for locally-funded teacher units to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

(25) Capital Needs

There is hereby appropriated \$10,000,000 for capital needs to be conditioned on the availability of funds in the ASETF and the approval of the Governor. If said appropriation or any part of said appropriation is released then such appropriation is to be

used for computer, instructional and/or transportation equipment needs to be distributed to local school systems on the same basis as other current expenses. Each local school system shall submit to the State Department of Education a plan for the expenditure of said funds. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying how such funds were actually expended.

(26) Transportation Equipment

There is hereby appropriated \$5,000,000 for transportation equipment to be conditioned on the availability of funds in the ASETF and the approval of the Governor. If said appropriation or any part of said appropriation is released by the Governor, such funds shall be distributed to the local school systems on a formula basis as determined by the State Board of Education.

(27) Capital Facility Renovation,
Maintenance and
Repair 29,313,874

Of the above appropriation, \$25,000,000 shall be used for buildings and building repair, renovation and maintenance and transportation. Said sum shall be distributed to each local school system by the State Board of Education on a formula based on each system's proportionate number of students in average daily attendance. The remainder of the above appropriation shall be distributed to local school systems by the State Superintendent of Education for critical needs.

8. STATE BOARD OF EDUCATION—IN-SERVICE EDUCATIONAL CENTERS:

(a) Financial Assistance Program	2,031,000
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For the continuation of the program of in-service educational centers established by Act 84-622.

SOURCE OF FUNDS:

(1) ASETF	2,031,000	
Total State Board of Education— In-service Educational Centers	2,031,000	2,031,000

The State Board of Education shall administer the In-service Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$168,000 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:

(aa) The sum of \$85,000 shall be distributed to each of the following in-service centers:

- (1) Alabama A & M University,
- (2) Alabama State University,
- (3) Athens State College,
- (4) Auburn University,
- (5) Jacksonville State University,
- (6) Troy State University,
- (7) University of Alabama,
- (8) University of Alabama-Birmingham,
- (9) University of Montevallo,
- (10) University of North Alabama, and

(11) University of South Alabama.

(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1987-88 and the number of teachers employed as reported on the 1987-88 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1986. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five (5) days of each quarterly allotment to the State Department of Education.

In addition to the above appropriation of \$2,031,000 there is hereby appropriated \$700,000 for educational in-service centers to be conditioned on the availability of funds in the ASETF and the approval of the Governor. Said conditional shall be the first of any conditionals released by the Governor from the ASETF.

9. EDUCATION, STATE BOARD OF-JUNIOR COLLEGE SYSTEM:

(a) Operations and Maintenance	65,261,336	22,960,007	88,221,343
(b) Social Security (FICA)-State Share	5,128,682		5,128,682
(c) High Technology Equipment	190,076		190,076
(d) Library Enhancement	221,245		221,245

(e) Auxiliary Enterprises	7,553,058	7,553,058
(f) Restricted Funds	21,142,459	21,142,459
(g) Capital Outlay/Program Enhancement	450,000	450,000
(h) Equipment	890,233	890,233
The above appropriation shall be used to update equipment for training for business.		

SOURCE OF FUNDS:

(1) ASETF	72,141,572		
(2) Other Funds		51,655,524	
Total State Board of Education- Junior College System	72,141,572	51,655,524	123,797,096

(1) The Operations and Maintenance appropriation above of \$65,261,336 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) Junior colleges with credit-producing programs in Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$166,529.

(b) The sum of \$200,000 to each junior college.

(c) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1986-87 and the fall, winter and spring quarters of the school year 1987-88 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1986-87 and the fall, winter, and spring quarters of the school year 1987-88 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest

Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1c) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1c) on a fall quarter 1988-89 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

10. EDUCATION, STATE BOARD OF-TECHNICAL COLLEGE SYSTEM:

(a) Operations and Maintenance	52,637,621	16,744,596	69,382,217
(b) Social Security (FICA)-State Share	3,695,160		3,695,160
(c) High Technology Equipment	190,076		190,076
(d) Library Enhancement	114,509		114,509
(e) Auxiliary Enterprises		5,448,520	5,448,520
(f) Restricted Funds		13,170,683	13,170,683
(g) Equipment	1,703,290		1,703,290

Of the above appropriation,
\$1,653,290 shall be used to up-
date equipment for training for
industry.

SOURCE OF FUNDS:

(1) ASETF	58,340,656		
(2) Other Funds		35,363,799	
Total State Board of Education- Technical College System	58,340,656	35,363,799	93,704,455

(1) The Operations and Maintenance appropriation above of \$52,637,621 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows.

Such distribution shall be made on the same formula basis as was used in fiscal year 1987-88 for the distribution of the operations and maintenance appropriation.

(a) Technical colleges with programs generating contact hours at Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$480,625.

(b) The remainder of the appropriation is to be allotted to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Community College-Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J.F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N.F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C.A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a fall quarter 1988-89 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

11. FINE ARTS, ALABAMA SCHOOL OF:

(a) Fine Arts Program			1,322,935
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SOURCE OF FUNDS:

(1) ASETF	945,993		
(2) ASETF-Teachers' Pay Raise (7.5%)	53,685		
(3) Federal and Local Funds		323,257	
Total Alabama School of Fine Arts	999,678	323,257	1,322,935

12. FIREFIGHTERS PERSON- NEL STANDARDS AND ED- UCATION COMMISSION, ALABAMA/ALABAMA FIRE COLLEGE-SHELTON STATE COMMUNITY COL- LEGE:

(a) Operations and Maintenance	521,847	86,219	608,066
(b) Social Security (FICA)-State Share	35,468		35,468
(c) Auxiliary Enterprises		575,592	575,592
(d) Restricted Funds		326,207	326,207

SOURCE OF FUNDS:

(1) ASETF	557,315		
(2) Other Funds		988,018	
Total Alabama Firefighters Per- sonnel Standards and Education Commission/Alabama State Fire College-Shelton State Commu- nity College	557,315	988,018	1,545,333

13. GADSDEN STATE COM- MUNITY COLLEGE:

(a) Technical Assistance Program			300,000
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(For merger expense.)

SOURCE OF FUNDS:

(1) ASETF	300,000		
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Total Gadsden State Community College	300,000	300,000
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It is the intent of the Legislature that no line-item appropriation from the ASETF to Gadsden State Community College for merger expense be made after the fiscal year ending September 30, 1990.

14. HEALTH INSURANCE BOARD, PUBLIC EDUCATION EMPLOYEES':

(a) Administrative Support Services Program	107,573,360
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The above appropriation of \$107,573,360 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$107,573,360 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1989 all eligible full-time employees shall pay the premium rate of \$2.00 per month

and all retired eligible employees shall pay the rate of \$1.14 per month. The above contribution rate shall not be adjusted by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	107,573,360	
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Total Public Education Employees' Health Insurance Board	107,573,360	107,573,360
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15. HIGHER EDUCATION, ALABAMA COMMISSION:

(a) Planning and Coordination Services Program	2,129,610
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance	1,239,198
Program Evaluation	200,037
Research Enhancement Program	275,000

SOURCE OF FUNDS:

(1) ASETF	1,714,235	
(2) Federal and Local Funds		415,375
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Total Planning and Coordination Services Program (Total Operations)	1,714,235	415,375	2,129,610
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(b) Student Financial Aid Program			29,262,578
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The proposed spending plan for the
ASETF monies included in the
above program is to be distrib-
uted through ACHE as follows:

(1) Educational Grants Program	3,037,823		
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(2) Alabama National Guard Ed- ucational Assistance	200,000		
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To be expended in accordance with
Code of Alabama 1975, as
amended, Sections 31-10-1
through 31-10-4.

(3) Emergency Secondary Educa- tion Scholarships	1,057,333		
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To be expended in accordance with
Code of Alabama 1975, as
amended, Sections 16-23-18
through 16-23-23.

(4) Chiropractic Scholarships	48,103		
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To be expended under the provi-
sions of Code of Alabama 1975,
as amended, Section 16-5-11.

(5) Alabama Student Assistance Program	2,002,457		
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SOURCE OF FUNDS:

(1) ASETF	6,345,716		
(2) Federal and Local Funds		22,916,862	

Total Student Financial Aid Program	6,345,716	22,916,862	29,262,578
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(c) Support of Other Educational Activities Program			9,257,754
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The proposed spending plan for the
ASETF monies included in the

above program is to be distributed through ACHE as follows:

- (1) Network of Alabama Academic Libraries
(NAAL)1,080,342
- (2) Southern Regional Education Board (SREB)395,000
- (3) EPSCoR-National Science Foundation Program ..2,000,000
- (4) Eminent Scholars Program5,200,000
- (5) Alabama Small Business Development Consortium552,412

SOURCE OF FUNDS:

(1) ASETF	9,227,754		
(2) Federal and Local Funds		30,000	
Total Support of Other Educational Activities Program	9,227,754	30,000	9,257,754

TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	17,287,705		
(2) Federal and Local Funds		23,362,237	
Grand Total Alabama Commission on Higher Education	17,287,705	23,362,237	40,649,942

16. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program	1,712,258		1,712,258
(b) Social Security (FICA)-State Share	70,709		70,709
(c) Industrial Development Program	1,000,000	34,471	1,034,471

SOURCE OF FUNDS:

(1) ASETF	2,782,967		
(2) Federal and Local Funds		34,471	

Total Alabama Industrial Development Training Institute	2,782,967	34,471	2,817,438
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17. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			1,368,553
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SOURCE OF FUNDS:

(1) ASETF	1,055,553		
(2) Federal and Local Funds		313,000	

Total Marine Environmental Sciences Consortium	1,055,553	313,000	1,368,553
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18. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			677,000
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SOURCE OF FUNDS:

(1) ASETF	677,000		
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Total Board of Medical Scholarships Awards	677,000		677,000
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To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-47-121 through 16-47-129.

19. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			125,000
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SOURCE OF FUNDS:

(1) ASETF	125,000		
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Total Board of Optometric Scholarship Awards	125,000		125,000
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To be expended under the provisions of the Code of Alabama 1975, as amended, Sections 34-22-60 through 34-22-65.

20. PEACE OFFICERS'
STANDARDS AND TRAIN-
ING COMMISSION, ALA-
BAMA:

(a) Professional and Occupational Licensing and Regulation Program	222,722
(b) Certified Law Enforcement Academy Program	785,925

Of the above appropriation for the
Certified Law Enforcement
Academy Program, the \$435,925
of ASETF monies included
therein shall be expended as fol-
lows:

Mobile Police Training Academy	25,000
Jacksonville State University	118,264
University of Alabama	118,264
James H. Faulkner Jr. College	118,264
Troy State University at Montgomery	56,133
Total	435,925

SOURCE OF FUNDS:

(1) ASETF	658,647		
(2) Alabama Peace Officers' Standards and Training Fund- as provided in Code of Alabama 1975, as amended, Sections 36- 21-40 through 36-21-50		350,000	
Total Alabama Peace Officers' Standards and Training Commission	658,647	350,000	1,008,647

21. POSTSECONDARY EDU-
CATION DEPARTMENT:

(a) Postsecondary Two-Year In- stitutions Program	2,214,897
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The proposed spending plan for the
ASETf monies included in the
above program is as follows:

Chancellor's Office Operations	1,300,350
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Program Planning and
Enhancement95,816

Displaced Homemakers'
Program150,000

Institutional Building and Equip-
ment Rental132,000

SOURCE OF FUNDS:

(1) ASETF 1,678,166

(2) Federal and Local Funds 536,731

Total Postsecondary Education
Department 1,678,166 536,731 2,214,897

**22. PRISON EDUCATION EX-
PANSION:**

(a) Prison Education Expansion
Program 1,250,000 41,177 1,291,177

(b) Social Security (FICA)-State
Share 77,672 77,672

SOURCE OF FUNDS:

(1) ASETF 1,327,672

(2) Federal and Local Funds 41,177

Total Prison Education
Expansion 1,327,672 41,177 1,368,849

**23. RESERVE ACCOUNT-
ALABAMA SPECIAL EDU-
CATIONAL TRUST FUND:**

(a) Reserve Account Program 21,000,000

SOURCE OF FUNDS:

(1) ASETF 21,000,000

Total ASETF Reserve Account .. 21,000,000 21,000,000

It is the intent of the Legislature
that this Reserve Account be
used to guard against proration.
In the event that revenues into
the Alabama Special Educa-
tional Trust Fund are insuffi-
cient to fund the appropriations
to the various departments,

boards, offices, commissions, and agencies in this Act, the funds herein appropriated into said Alabama Special Educational Trust Fund Reserve Account shall be allotted only to the extent necessary to avoid proration.

24. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	396,000
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SOURCE OF FUNDS:

(1) ASETF-Employees' Retirement System, Estimated	255,000	
(2) ASETF-Employees' Special Pension, Act 85-631, Estimated	141,000	
<hr/>		
Total Employees' Retirement System of Alabama (ASETF Share)	396,000	396,000
<hr/>		

25. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	191,640,000
(b) Term Life Insurance	2,655,000

Persons eligible for this insurance benefit shall be the following:

- (1) full-time members of the Teachers' Retirement System of Alabama-shall be eligible for the full benefit; and,
- (2) part-time members of the Teachers' Retirement System of Alabama-shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	161,448,000	
(2) ASETF-Teachers' Special Pension Fund, Estimated	30,192,000	
(3) ASETF-Term Life Insurance	2,655,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	194,295,000	194,295,000

26. SOCIAL SECURITY
(ASETF SHARE):

(a) For State's share of Social Security, Estimated	25,000
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SOURCE OF FUNDS:

(1) ASETF	25,000	
Total Social Security (ASETF Share)	25,000	25,000

The above appropriation is to be used for prior period adjustments.

27. SPECIAL INDUSTRIAL
JOB TRAINING:

(a) Industrial Training Program	4,100,000
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This appropriation will be administered by the Alabama Industrial Development Training Institute. Of the above appropriation, \$1,500,000 shall be allocated for training at U.S. Steel.

SOURCE OF FUNDS:

(1) ASETF	4,100,000	
Total Special Industrial Job Training	4,100,000	4,100,000

28. TENURE COMMISSION,
STATE:

(a) Regulation Program	10,738
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SOURCE OF FUNDS:

(1) ASETF	10,738	
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Total State Tenure Commission ..	10,738	10,738
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29. TELEVISION COMMIS-
SION, EDUCATIONAL:

(a) Educational Television Program	5,055,686
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(b) Public Radio Service Program	503,124
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SOURCE OF FUNDS:

(1) ASETF	3,862,310
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(2) Federal and Local Funds	1,696,500
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Total Educational Television Commission	3,862,310	1,696,500	5,558,810
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Of the above appropriation to the
Educational Television Com-
mission of \$3,862,310 the sum of
\$400,000 is to be used to ti-in
the United Star Network.

30. UNEMPLOYMENT COM-
PENSATION-LOCAL
BOARDS:

(a) Financial Assistance Program	2,000,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	2,000,000
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Total Unemployment Compensa- tion-Local Boards	2,000,000	2,000,000
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31. VETERANS' AFFAIRS, DE-
PARTMENT OF:

(a) Administration of Veterans' Affairs Program	4,308,808
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SOURCE OF FUNDS:

(1) ASETF-Transfer	4,308,808
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Total Department of Veterans' Affairs	4,308,808	4,308,808
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The above appropriation is for
Veterans' Education Benefits

and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, as amended, Sections 31-6-1 through 31-6-17.

32. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance

Program	3,472,059
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The above appropriation for Financial Assistance Program includes \$2,422,942 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, as amended, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF	2,287,213		
(2) ASETF-Teachers' Pay Raise (7.5%)	135,729		
(3) Federal and Local Funds		1,049,117	
Total Department of Youth Services	2,422,942	1,049,117	3,472,059

33. FINANCE, DEPARTMENT OF-DATA SYSTEMS MANAGEMENT:

(a) Administrative Support Services Program

331,000

To be expended for education and training for the Governmental

Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF	331,000		
Total Department of Finance-Data Systems Management	331,000		331,000

34. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program			9,925,971
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SOURCE OF FUNDS:

(1) ASETF	9,108,936		
(2) Federal and Local Funds		817,035	
Total Alabama Public Library Service	9,108,936	817,035	9,925,971

35. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program			3,081,485
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SOURCE OF FUNDS:

(1) ASETF	2,476,485		
(2) Federal and Local Funds		605,000	
Total State Council on the Arts ...	2,476,485	605,000	3,081,485

36. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program			4,265,945
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Of the above appropriation \$2,937,996 shall be expended at the Eufaula Adolescent Center.

(b) Institutional Treatment and Care-Mental Retardation Program			2,743,827
(c) Administrative Support Services			1,646,705

SOURCE OF FUNDS:

(1) ASETF	8,656,477	
<hr/>		
Total Department of Mental Health and Mental Retardation	8,656,477	8,656,477
<hr/>		

SECTION 4.**COLLEGES, UNIVERSITIES AND SCHOOLS:****I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:****A. The University of Alabama System**

- | | | | |
|---|------------|------------|-------------|
| 1. Operations and Maintenance and Program Support for the University of Alabama | 74,873,179 | 36,545,543 | 111,418,722 |
|---|------------|------------|-------------|

The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama. All of the following enumerated programs that were funded for the fiscal year ending September 30, 1988 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1988. In addition to operations and maintenance, includes support for such entities as: Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Alabama Poison Control Center; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; \$85,000 for Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences;

University Research Library;
 Research, Extension and Public
 Service; School of Mines and
 Energy Development; Computer
 Research and Development;
 Emergency Medical Services
 (Paramedic Training); Rural In-
 fant Stimulation Environment
 Program; High Risk Nursery;
 Safe State Program; Tannehill
 Learning Center.

2. Operations and Maintenance
 and Program Support for Uni-
 versity of Alabama at
 Birmingham

112,968,246 273,495,470 386,463,716

The above amounts shall be dis-
 tributed to the following enum-
 erated programs by the president
 of the University of Alabama at
 Birmingham.

All of the following enumerated
 programs that were funded for
 the fiscal year ending September
 30, 1988 shall receive at least the
 same level of funding as said
 program received in the fiscal
 year ending September 30, 1988.
 In addition to operations and
 maintenance, includes support
 for such entities as: University
 College; Family Practice Resi-
 dency Programs at Anniston,
 East End, Jefferson County,
 Montgomery, Selma, and Gads-
 den; School of Medicine; Uni-
 versity Hospitals; School of
 Optometry; School of Commu-
 nity and Allied Health; Regional
 Technical Institute; Joint
 Health Sciences; Department of
 Pediatrics and Children's Hos-
 pital; Center for Labor Educa-
 tion and Research; Student
 Nurses Loans; Center for Dia-
 betes Research; Urban Research

and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; \$1,000,000 for Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences.

3. Operations and Maintenance and Program Support for University of Alabama in Huntsville

24,173,825 14,784,170 38,957,995

The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama in Huntsville.

All of the following enumerated programs that were funded for the fiscal year ending September

30, 1988 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1988. In addition to operations and maintenance, includes such entities as: School of Primary Medical Care; Kenneth E. Johnson Research Center; \$250,000 for the Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

4. Social Security (FICA)-State Share	21,066,158	21,066,158
5. Auxiliary Enterprises	49,024,728	49,024,728
6. Restricted Funds	112,654,573	112,654,573

SOURCE OF FUNDS:

(1) ASETF	233,081,408		
(2) Other Funds	486,504,484		
Total University of Alabama System	233,081,408	486,504,484	719,585,892

II. BOARD OF TRUSTEES OF ALABAMA A & M UNIVERSITY

A. Alabama A & M University

1. Operations and Maintenance and Program Support	17,330,125	6,251,892	23,582,017
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In addition to operations and maintenance, includes support for such entities as: Vocational Teacher Training; Cooperative Extension, Research and Service; Black Archives Museum.

2. Social Security (FICA)-State Share	1,106,203		1,106,203
3. Auxiliary Enterprises		4,097,876	4,097,876
4. Restricted Funds		10,110,965	10,110,965

SOURCE OF FUNDS:

(1) ASETF	18,436,328		
(2) Other Funds		20,460,733	
Total Alabama A & M University	18,436,328	20,460,733	38,897,061

III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY

A. Alabama State University

1. Operations and Maintenance and Program Support	17,254,835	5,914,794	23,169,629
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In addition to operations and maintenance, includes support for such entities as: Educational Radio Station; Public Services Program.

2. Social Security (FICA)-State Share	931,308		931,308
3. Auxiliary Enterprises		4,387,527	4,387,527
4. Restricted Funds		3,668,237	3,668,237

SOURCE OF FUNDS:

(1) ASETF	18,186,143		
(2) Other Funds		13,970,558	
Total Alabama State University ..	18,186,143	13,970,558	32,156,701

IV. STATE BOARD OF EDUCATION

A. Athens State College

1. Operations and Maintenance and Program Support	3,307,636	1,772,626	5,080,262
2. Social Security (FICA)-State Share	289,496		289,496
3. Auxiliary Enterprises		386,933	386,933

4. Restricted Funds	491,653	491,653
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SOURCE OF FUNDS:

(1) ASETF	3,597,132		
(2) Other Funds		2,651,212	
Total Athens State College	3,597,132	2,651,212	6,248,344

V. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY

A. Auburn University System

1. Operations and Maintenance and Program Support	127,330,312	63,393,574	190,723,886
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In addition to operations and maintenance, includes support for such entities as: Educational Television; Center for Vocational and Adult Education; Clinical Psychology; Ralph Draughon Library; Engineering Experiment Station; Public Service, Research and Extension; Energy Research; Food Animal Health and Diseases Research; Veterinary Teaching Hospital and Clinic; Truman Pierce Institute for the Advancement of Teacher Education; Forestry Program; Nursing Scholarships; Advanced Manufacturing Technology Center; Development of Genetic Engineering Applications; Pulp and Paper Research Center; International Commerce and Industrial Development; Architecture and Industrial Design; College of Veterinary Medicine; Textile Engineering Department; Highway Research Center; Research Library Enhancement; Poultry Development Program; Catfish Research; Cooperative Extension Service Retirement; Computer Communication System;

Montgomery Area Community
Health Sciences Institute.

2. Social Security (FICA)-State Share	8,149,942		8,149,942
3. Auxiliary Enterprises		37,180,898	37,180,898
4. Restricted Funds		44,979,114	44,979,114

SOURCE OF FUNDS:

(1) ASETF	135,480,254		
(2) Other Funds		145,553,586	
Total Auburn University System	135,480,254	145,553,586	281,033,840

VI. BOARD OF TRUSTEES OF
JACKSONVILLE STATE
UNIVERSITY

A. Jacksonville State University

1. Operations and Maintenance and Program Support	18,110,721	7,900,492	26,011,213
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In addition to operations and maintenance, includes support for such entities as: Gadsden Educational Program; Nursing Scholarships; Vocational Teacher Training; Developmental Education Project; Center for Economic Development; Research and Public Service; Community Education Development; Sensory Impaired Postsecondary Program.

2. Social Security (FICA)-State Share	1,529,787		1,529,787
3. Auxiliary Enterprises		3,287,430	3,287,430
4. Restricted Funds		3,530,260	3,530,260

SOURCE OF FUNDS:

(1) ASETF	19,640,508		
(2) Other Funds		14,718,182	

Total Jacksonville State University	19,640,508	14,718,182	34,358,690
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VII. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY

A. Livingston University

1. Operations and Maintenance and Program Support	5,958,735	1,402,788	7,361,523
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In addition to operations and maintenance, includes support for such entities as: Nursing Scholarships.

2. Social Security (FICA)-State Share	387,021		387,021
3. Auxiliary Enterprises		2,180,706	2,180,706
4. Restricted Funds		557,411	557,411

SOURCE OF FUNDS:

(1) ASETF	6,345,756		
(2) Other Funds		4,140,905	
Total Livingston University	6,345,756	4,140,905	10,486,661

VIII. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO

A. University of Montevallo

1. Operations and Maintenance and Program Support	9,901,230	4,000,964	13,902,194
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In addition to operations and maintenance, includes support for such entities as: Center for the Study of Communication Science and Disorders; Alabama Traffic Safety Center; Mass Communication Center; Center for Excellence in Undergraduate Liberal Studies; Center for Excellence in Business Education.

2. Social Security (FICA)-State Share	659,718		659,718
3. Auxiliary Enterprises		3,988,000	3,988,000

4. Restricted Funds	1,788,702	1,788,702
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SOURCE OF FUNDS:

(1) ASETF	10,560,948
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(2) Other Funds	9,777,666
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Total University of Montevallo	10,560,948	9,777,666	20,338,614
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IX. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH
ALABAMA

A. University of North Alabama

1. Operations and Maintenance and Program Support	13,628,809	6,691,109	20,319,918
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In addition to operations and maintenance, includes support for such entities as: Research and Public Service; Nursing Scholarships; Center for Business Productivity and Relations; Developmental Computer Education; Occupational and Health Laboratory.

2. Social Security (FICA)-State Share	1,006,086	1,006,086
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3. Auxiliary Enterprises	1,722,744	1,722,744
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4. Restricted Funds	434,268	434,268
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SOURCE OF FUNDS:

(1) ASETF	14,634,895
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(2) Other Funds	8,848,121
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Total University of North Alabama	14,634,895	8,848,121	23,483,016
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X. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA

A. University of South Alabama

1. Operations and Maintenance and Program Support	42,264,411	92,250,606	134,515,017
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In addition to operations and maintenance, includes support

for such entities as: Medical Research and Public Service; Family Practice Residency Program; College of Medicine; Medical Center Hospital; Nursing Scholarships; Alabama Business and Transportation Program; Paramedic Training Program; Newborn Growth and Development Program; Coastal Environmental and Economic Services Program; Birth Defects and Genetic Center; Research and Public Service; Baldwin County Campus.

2. Social Security (FICA)-State Share	5,503,154		5,503,154
3. Auxiliary Enterprises		7,889,259	7,889,259
4. Restricted Funds		10,680,000	10,680,000

SOURCE OF FUNDS:

(1) ASETF	47,767,565		
(2) Other Funds		110,819,865	
Total University of South Alabama	47,767,565	110,819,865	158,587,430

XI. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

A. Troy State University System

1. Operations and Maintenance and Program Support	17,825,609	18,002,787	35,828,396
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In addition to operations and maintenance, includes support for such entities as: Center for Environmental Research and Science; Nursing Scholarships; School of Nursing-Montgomery; Branch Campus at Phenix City; Center for Developmental Education; Public Radio and Communication Services; Research and Public Service; Davis Theatre-Fine Arts Program.

2. Social Security (FICA)-State Share	1,748,707		1,748,707
3. Auxiliary Enterprises		4,833,510	4,833,510
4. Restricted Funds		1,304,237	1,304,237

SOURCE OF FUNDS:

(1) ASETF	19,574,316		
(2) Other Funds		24,140,534	

Total Troy State University System	19,574,316	24,140,534	43,714,850
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XII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR
DEAF AND BLIND

(a) Adult Programs:

(1) Regular	3,114,910	2,697,708	5,812,618
(2) Social Security (FICA)-State Share	302,338		302,338

(b) Children and Youth Programs:

(1) Regular	10,235,472	1,258,011	11,493,483
(2) Social Security (FICA)-State Share	544,209		544,209

Of the above appropriation, \$135,000 shall be earmarked for the Dothan City School for the Hearing Impaired and \$500,000 shall be earmarked for capital outlay for the Industries for the Blind.

(c) Industries for the Blind:

(1) Regular	1,211,535	16,952,826	18,164,361
(2) Social Security (FICA)-State Share	362,807		362,807

SOURCE OF FUNDS:

(1) ASETF	14,647,786		
(2) ASETF-Teachers' Pay Raise (7.5%)	1,123,485		
(3) Other Funds		20,908,545	

Total Alabama Institute for Deaf and Blind	15,771,271	20,908,545	36,679,816
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SECTION 5.

(1) There is hereby further appropriated from the Alabama Special Educational Trust Fund to the Board of Trustees of the University of Alabama System for the University of Alabama at Birmingham \$3,504,049 to be expended for Special Mental Health.

(2) There is hereby further appropriated from the Alabama Special Educational Trust Fund to the Board of Trustees of the University of Alabama System for the University of Alabama at Birmingham \$707,548 to be expended for the Chauncey Sparks Center for Developmental and Learning Disorders.

SECTION 6.

The appropriation for Prison Education Expansion in Section 3A, Sub-section 22 of this act is hereby made to the Alabama Department of Corrections. The Department of Corrections shall contract with the Post-secondary Education Department to provide for prison education expansion. Such services shall be provided by the same postsecondary institutions providing such prison education services as of the effective date of this act. Chauncey Sparks State Technical College shall provide all prison education at the prison facility in Bullock County.

SECTION 7.

A. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$350,000 to be expended for the Certified Law Enforcement Academy Program.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated forty-four million dollars (44,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-6(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1989, the excess in revenue

shall be carried over as a beginning balance for the fiscal year beginning October 1, 1989.

SECTION 8.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 9. Funds appropriated in Section 3(A)(6) and 3(A)(7) above the level of appropriations in Fiscal Year 1987-88 for maintenance, capital outlay, transportation and textbooks may be allocated between said line items at the request of local school boards and with the approval of the State Superintendent of Education within existing statutory limitations.

SECTION 10.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county, municipal and educational entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Code of Alabama 1975, as amended, Section 41-5-24.

SECTION 11.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1989.

SECTION 12.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended,

Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 13.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 14.

This Act shall become effective October 1, 1988.

Approved September 13, 1988

Time: 3:45 P.M.

Act No. 88-693

H.J.R. 5—Rep. White (F)

HOUSE JOINT RESOLUTION

COMMENDING MARTHA KIRKLAND OF BREWTON, ALABAMA, UPON HER RETIREMENT AS JUDGE OF PROBATE OF ESCAMBIA COUNTY.

WHEREAS, Martha Kirkland of Brewton, Alabama, who is retiring in January 1989, as Judge of Probate, Escambia County, has served with distinction in said capacity since her appointment to the bench in 1969; she then won election in 1970 for a full six-year term and was subsequently reelected in 1976, unopposed, and again in 1982; and

WHEREAS, a native of Gordo in Pickens County, Judge Kirkland is a graduate of Greensboro High School and of Alabama College, Montevallo, with the B.S. degree; she is a former Home Agent with the Extension Service in Escambia and Wilcox Counties; and

WHEREAS, Judge Kirkland also served as Deputy Clerk of the Circuit Court for her late husband, Reo Kirkland, while he served in the military during World War II, and served in Mr. Kirkland's stead as Chief Clerk in the Probate Office from 1957 until his death in October 1969; and

WHEREAS, in addition to the duties and many responsibilities of her office, Judge Kirkland also assumed professional leadership as

former secretary, treasurer, vice president and president of the Alabama Probate Judges Association; she further is a member and active in leadership in a number of organizations including the American Legion Auxiliary, Patrons for Partlow, the First Methodist Church of Brewton, Chamber of Commerce, Escambia County Mental Health, Board of Directors of Southwest Alabama Mental Health Association, Advisory Council of R.S.V.P. in Escambia County and the Board of Trustees of the University of Montevallo, among numerous others; and

WHEREAS, additionally, Judge Kirkland has been recognized for outstanding achievement through designation as Woman of the Year in Community Service, honorary membership in Delta Kappa Gamma, and as the University of Montevallo 1976 Alumna of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Judge Martha Kirkland of Brewton, Alabama, for outstanding achievement and community service, and do further direct that she receive a copy of this resolution of sincere praise and warmest personal regard.

Approved September 13, 1988

Time: 3:41 P.M.

Act No. 88-694

H.J.R. 7—Rep. Layson

HOUSE JOINT RESOLUTION

COMMENDING JOHN D. LAMMERS FOR DISTINGUISHED SERVICE TO BOY SCOUTS OF AMERICA.

WHEREAS, for twenty-three years, John D. Lammers of Carrollton, Alabama, has dedicated himself in service to Boy Scouts of America and its purposes of character development, citizenship, training and physical fitness in boys; and

WHEREAS, Mr. Lammers, who has served in five local councils and is scoutmaster of Carrollton's Troop 18, is eminently qualified for leadership, having completed all local and national training courses for scoutmasters, including requirements for Wood Badge Beads, denoting mastery of the highest level of training for scoutmasters; and

WHEREAS, we further note that he is the recipient of such high recognitions as the Training Excellence Award, the District

Award of Merit, the Silver Beaver Award and the God and Service Award, all of which corroborate the distinction of his leadership; and

WHEREAS, Scoutmaster John Lammers is indeed exemplary in the depth of his dedication to Boy Scouts of America, most particularly to Troop 18 whose members, under his guidance and counsel, embody the highest ideals of scouting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend John D. Lammers for distinguished service to Boy Scouts of America, and do further direct that he receive a copy of this resolution of sincere admiration and regard.

Approved September 13, 1988

Time: 3:42 P.M.

Act No. 88-695

H.J.R. 8—Rep. Layson

HOUSE JOINT RESOLUTION

COMMENDING THE PILOT CLUB OF NORTHPORT ON ITS "SUCCESS THROUGH SERVICE" AND CONTRIBUTIONS TO THE NORTHPORT COMMUNITY.

WHEREAS, Pilot Club International, founded in 1921, is a civic service organization for executive, business and professional women who, having highly achieved as individuals, have strengthened their impact upon the community through unity of purpose and service; and

WHEREAS, the Pilot Club of Northport, Alabama, one of Pilot Club International's most outstanding chapters, has undertaken on an on-going basis a number of service and community improvement programs, including the recent reinstitution of the Avenue-of-Flags project which was dedicated in appropriate ceremonies on June 30, 1988; and

WHEREAS, a vital force in the community, the Pilot Club of Northport is indeed to be praised for the accomplishments of their membership, in united cause, to the betterment of the community, and for selfless service that is undertaken in good cheer and with compassion, care and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the community and all citizens thereof,

we hereby most highly commend the Pilot Club of Northport, Alabama, and do further direct that a copy of this resolution be forwarded to President Odelle Dyer on behalf of the entire membership.

Approved September 13, 1988

Time: 3:43 P.M.

Act No. 88-696

H.J.R. 9—Rep. Layson

HOUSE JOINT RESOLUTION

CONGRATULATING THE PICKENS ACADEMY PIRATES ON THEIR OUTSTANDING 1988 BASEBALL SEASON AND FIRST PLACE RANKING IN APSA COMPETITION.

WHEREAS, the Pickens Academy Pirates, under Coach Bobby Samford, posted an outstanding 20-7 overall season record, and were ranked number-one in the Alabama Private School Association's State 2A Baseball Play-offs; and

WHEREAS, on the road to victory, the Pirates downed Grove Hill Academy to earn a berth in the finals, and beat Wilcox Academy by a score of 7-1 to claim the glory and the crown for Pickens County Academy; and

WHEREAS, to be commended as winners of the State Title and for their outstanding team effort and will-to-win spirit are Hal McGee, Bill Rickman, Jason Noland, Steven Carroll, Scotty Sullivan, Jason Eatman, Jay Parker, Lee Drain, Terry Pearson, Neal Holliman, Jamie McDanal, Johnny Sullivan and Barrett Noland, each of whom greatly contributed to the Pirates' Championship season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Bobby Samford and his Pickens Academy Pirates and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved September 13, 1988

Time: 3:44 P.M.

Act No. 88-697

H.J.R. 20—Rep. Richardson

HOUSE JOINT RESOLUTION

COMMENDING THE SCOTTSBORO CITY SCHOOLS AND STAFF ON THE ESTABLISHMENT AND OPERATION OF AN EXEMPLARY INDIAN EDUCATION PROGRAM.

WHEREAS, one of the goals of the Scottsboro City Schools' Indian Education Program is to develop historically accurate curriculum in the area of cultural heritage and authentic native American arts and crafts; and

WHEREAS, one of the roles of this program is to instill a sense of pride in one's ancestral heritage, through the sequential introduction and study of this native American cultural heritage and arts and crafts; and

WHEREAS, one of the goals of the Scottsboro City Schools' Indian Education Program is to utilize the whole language approach in developing all learning skills; and

WHEREAS, it is the goal of this program to develop an understanding and appreciation for the Cherokee language, both written and spoken; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Scottsboro City Schools' Indian Education Program; Dr. John Balentine, Superintendent of the Scottsboro City Schools; Mrs. Carolyn Thomas, Director of Federal Programs; Mrs. Carla Kimball, cultural heritage teacher; and Mrs. Sue DeWitt, arts and crafts teacher, for establishing and conducting an exemplary native American educational program.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Dr. Balentine on behalf of the Scottsboro City Schools and staff.

Approved September 13, 1988

Time: 3:46 P.M.

Act No. 88-698

H.J.R. 24—Reps. Blake, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller,

Gaston, Goodwin, Gray,
 Grayson, Grouby, Hall,
 Hamilton, Hammett, Harper,
 Harvey, Haynes, Headley,
 Hettinger, Higginbotham,
 Hill, Hogan, Holley, Holmes,
 Hooper, Johnson (RG),
 Johnson (RW), Junkins,
 Kennedy, Knight, Kvalheim,
 Laird, Layson, Lindsey,
 Logan, McClain, McDowell,
 McKee, McMillan, Marietta,
 Marks, Mathis, Melton,
 Mikell, Moon, Newman,
 Newton, Parker, Payne,
 Penry, Perdue, Petelos,
 Poole, Rains, Reed,
 Richardson, Rogers, Seibels,
 Slaughter, Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 White (F), White (G),
 White (L), Williams, Willis,
 Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE PELL CITY BRONCO ALL-STARS ON THEIR OUTSTANDING SEASON.

WHEREAS, the Pell City team of the Bronco Baseball League for eleven and twelve-year-old boys is an outstanding group of talented young athletes under the leadership of Manager Jimmy Howard and Coach Bob Champion, with Gary Hurst serving as team business manager; and

WHEREAS, during the 1988 season the Pell City Bronco All-Stars posted a phenomenal record that included their capture of the District Tournament Championship held in Tarrant, as well as second place in the State Tournament in Oxford; and

WHEREAS, deserving of highest praise for their contributions to the team's outstanding season are Pell City All-Stars Tommy Alley, Chad Cochran, Danny Goss, Russell Howard, Gary Hurst, Bo Mullins, Blake Nixon, Matthew Partain, Brian Ramsey, Drew Roe, Vince Smith and Kenny Thornton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
 BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend and congratulate the Pell City Bronco All-Stars as District Champions and on their second place finish in the State Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Manager Jimmy Howard, on behalf of his staff and the entire team, that they all may know of our sincere pride and pleasure in their accomplishments.

Approved September 13, 1988

Time: 3:47 P.M.

Act No. 88-699

H.J.R. 25—Rep. Blake

HOUSE JOINT RESOLUTION

COMMENDING JOYCE CLARK FOR OUTSTANDING VOLUNTEER SERVICE TO THE PELL CITY COMMUNITY.

WHEREAS, all communities depend heavily upon citizen volunteers to enrich the public good, and to enhance the way of life far beyond the limitation of available public funds; and

WHEREAS, the City of Pell City is one such community blessed by a growing legion of such volunteers; and

WHEREAS, Ms. Joyce Clark is one such volunteer whose three-year residency already has been punctuated by such deeds as to make clear that she is a rising star in volunteerism; and

WHEREAS, this native Alabamian has strayed afield to such alien lands as Texas, Arkansas and Georgia before returning and making up for lost time as a retail businesswoman, a member of the Greater Pell City Chamber of Commerce, and currently as secretary-bookkeeper for St. Clair County Head Start; and

WHEREAS, Ms. Clark, more particularly, is a member of the Chamber Board of Directors who has been active in such diverse projects as the annual Summerfest, Banquet of Champions and the Christmas Parade; and she also is a former Scout leader and the recipient of a Special Life Membership in the Woman's Society of Christian Service; and

WHEREAS, the latest distinction is in her tenacious, inspired and enthusiastic trail blazing to seek and secure a Miss Alabama Pageant franchise for a certified preliminary pageant for Pell City, and in service as Director for the pageant in its first two years under the franchise; and

WHEREAS, Ms. Clark's responsibilities in the pageant programs have involved considerable self-sponsored travel with and on behalf of the pageant winners; and

WHEREAS, she has earned the reputation of catalyst in her recruitment of other volunteers for many community causes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby honor and recognize Ms. Joyce Clark for her many generous endeavors that have made Pell City, St. Clair County and Alabama a measurably better place to live, and do further direct that she receive a copy of this resolution of sincere admiration and esteem.

Approved September 13, 1988

Time: 3:48 P.M.

Act No. 88-700

H.J.R. 26—Rep. Blake

HOUSE JOINT RESOLUTION

COMMENDING JOYCE G. NIX FOR DISTINGUISHED SERVICE TO THE GREATER PELL CITY CHAMBER OF COMMERCE AND THE COMMUNITY.

WHEREAS, economic and life-style development, in Alabama communities both large and small, is essential to the prosperity and health of the entire state; and

WHEREAS, the community of Pell City has been enjoying such development in recent years, thanks in part to the projects and programs of the Greater Pell City Chamber of Commerce; and

WHEREAS, the Greater Pell City Chamber of Commerce has experienced growth, continuity and dynamic participation, largely through the energy and dedication of one Mrs. Joyce G. Nix, its Executive Director; and

WHEREAS, Mrs. Nix's special qualities have been a major force in nearly doubling the Chamber membership from 140 to 240, increasing attendance at Pell City Summerfest from 4,000 to 15,000, and the Chamber's annual Banquet of Champions (a four-year-old tradition as part of the Alabama International Motor Speedway's summer racing activities) from 150 in attendance to 375; and

WHEREAS, she additionally has played a key role in the re-organization of a Welcoming Committee in Pell City; in the acquisition of substantial annual financial support from the City of Pell

City; in applying for and receiving the franchise for a new Miss Alabama Preliminary (known as the Miss Logan Martin Pageant); in providing staff support for the "Save Our Lake" Committee and its project; in development, publication and distribution of new promotional brochures for Pell City; in arranging for local seminars on Shoplifting Prevention and Bad Check Detection; in establishing retail Christmas promotions as annual ventures in Pell City; and in helping organize the Pell City Industrial Improvement Association as well as the Pell City Beautification Council; and

WHEREAS, this 15-year resident of Pell City, who was raised in Birmingham, made a mark for herself within the Birmingham banking community and at Samford University as a member of its staff, and somehow found time to join husband Rufus S. Nix in raising two children, and otherwise perform faithfully and grandly her duties as a loyal citizen of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Joyce G. Nix of Pell City, Alabama, and do further express deepest gratitude for her past and present good works in utilizing her energy and enthusiasm to bring enormous credit upon her beloved and native state.

BE IT FURTHER RESOLVED, That in token of sincere praise and warmest personal regard, a copy of this resolution shall be forwarded to Mrs. Nix.

Approved September 13, 1988

Time: 3:49 P.M.

Act No. 88-701

H.J.R. 27—Rep. Black

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JOHN C. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, July 2, 1988, of Mr. and Mrs. John C. Bell of Livingston, Alabama, Boyd Community; and

WHEREAS, in the sight of God, John C. and Agatha Ross Bell were joined in wedlock on July 2, 1938, and these two fine people, forsaking all others, have remained in said holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Bell, both of whom are retired teachers of the Sumter County School System, are beloved members of their community and were the recipients of numerous expressions of congratulations and best wishes on this momentous anniversary occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of the Boyd Community, Livingston, Alabama, Mr. and Mrs. John C. Bell, and wish them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Bell that they may know of our congratulations and warm best wishes for the future.

Approved September 13, 1988

Time: 3:51 P.M.

Act No. 88-702

H.J.R. 29—Rep. Blakeney

HOUSE JOINT RESOLUTION

CONGRATULATING THOMASVILLE HIGH SCHOOL ON THE CLASS 4A STATE BASEBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Thomasville High School Baseball Varsity on their 1988 Class 4A State Championship, captured with a decisive 11-3 win over the Brooks High School team from Lauderdale County; and

WHEREAS, in the best-of-three series against Brooks, Thomasville lost the first of a double header, 3-2; took the second with a score of 7-1; and, in the final match, ending 11-3 for THS, added three homers to make a total of 43 for the season and a State 4A record; and

WHEREAS, leading the Thomasville team to a sensational season and the State Crown were Head Coach Donnie Fendley and

Assistant Coach Bill Ingram, with Randy Pearson and Michael Bender serving as team managers; and

WHEREAS, the Thomasville High School Champions are Chuck Anderson, Reid Cornelius, Charles Davis, Keith Davis, John Doggett, Scott Swatzell, Cedric Bates, Eric Burroughs, Felton Burroughs, Robby Colquett, Lane Draper, Craig Hodge, Greg Lewis, Jerry Morgan, Randall Sims, Jemar Austin, Dwight Figgers, Greg Hulseay, Chuck Bates and Jamie Gaddy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Thomasville High School, Thomasville, Alabama, as the 1988 Class 4A Baseball Champions, and do further direct that copies of this resolution be forwarded to Principal Ted Cornelius for appropriate presentation and school display.

Approved September 13, 1988

Time: 3:52 P.M.

Act No. 88-703

H.J.R. 40—Reps. Cosby, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman,

Newton, Parker, Payne, Penry,
 Perdue, Petelos, Poole, Rains,
 Reed, Richardson, Rogers,
 Seibels, Slaughter, Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White (F), White (G),
 White (L), Williams, Willis,
 Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING YVONNE KENNEDY UPON HER ELECTION TO THE NATIONAL PRESIDENCY OF DELTA SIGMA THETA SORORITY.

WHEREAS, in continuing achievement and accomplishment, our good friend and colleague, Yvonne Kennedy of Mobile, was elected National President of Delta Sigma Theta Sorority, Incorporated, at the 39th National Convention and Diamond Jubilee Celebration held in San Francisco in July 1988; and

WHEREAS, now seventy-five years old, Delta Sigma Theta is the nation's largest Black women's organization with more than 175,000 members in some 800 collegiate and alumnae chapters throughout all fifty states and in Haiti, Africa, the Bahamas, West Germany and South Korea; and

WHEREAS, Delta Sigma Theta, which was founded in 1913, is a public service organization that involves its membership in campus and community affairs through academic, service, Christian and social activities; and

WHEREAS, Representative Kennedy, since her initiation at Alabama State University at the age of 18, has provided continuous leadership to DST at both local and regional levels, as well as nationally, while concurrently achieving other such outstanding goals as advanced academic degrees, including her Ph.D. from the University of Alabama, election to the Alabama House of Representatives, and the presidency of Bishop State Junior College in Mobile; and

WHEREAS, Dr. Yvonne Kennedy is indeed one of Alabama's most prominent citizens, in leadership and in service, and it is with great pride that we share her talents and abilities, not only as National President of Delta Sigma Theta, but as the first Southerner ever to achieve this exalted goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend our friend and

colleague, Yvonne Kennedy of Mobile, whom we hold in highest regard and to whom a copy of this resolution of tribute shall be presented.

Approved September 13, 1988

Time: 3:53 P.M.

Act No. 88-704

H.J.R. 43—Rep. Black

HOUSE JOINT RESOLUTION

NAMING A PORTION OF STATE HIGHWAY 17 IN SUMTER COUNTY, ALABAMA, IN HONOR OF DR. MARTIN LUTHER KING, JR.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of the late Martin Luther King, Jr., that portion of Highway 17 in Sumter County, Alabama, from its intersection with U. S. Highway 80, north through York, Alabama, to the point of intersection with Interstate Highways 20 and 59, is hereby named, designated and shall henceforth and forever be known as the "Martin Luther King, Jr., Parkway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Martin Luther King, Jr., Parkway."

Approved September 13, 1988

Time: 3:54 P.M.

Act No. 88-705

H.J.R. 52—Reps. Bugg, Ford and Junkins

HOUSE JOINT RESOLUTION

COMMENDING MRS. MAE BELLE YANCEY FOR DISTINGUISHED SERVICE TO ETOWAH COUNTY'S DUCK SPRINGS ELEMENTARY SCHOOL.

WHEREAS, the recent retirement of Mrs. Mae Belle Yancey brought to a close a distinguished tenure of 29 years as manager of the Duck Springs Elementary School lunchroom; and

WHEREAS, throughout these many years, Mrs. Yancey provided the young students of Duck Springs School with sound, nutritional meals and her dedication to this task has been recognized by students, parents and co-workers, both past and present, who are grateful for her loyalty to the school; and

WHEREAS, Mrs. Yancey, in addition to her managerial responsibilities, also rendered invaluable volunteer service to the PTA and, in appreciation, was awarded a lifetime membership in the organization; and

WHEREAS, we further note, with highest commendation, that in both volunteer and professional service, Mrs. Yancey has greatly contributed to the welfare and well-being of three generations of students at Duck Springs Elementary School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Etowah County's Duck Springs Elementary School, we hereby most highly commend Mrs. Mae Belle Yancey and do further direct that she receive a copy of this resolution of sincere praise and esteem.

Approved September 13, 1988

Time: 3:55 P.M.

Act No. 88-706

H.J.R. 53—Reps. Bugg, Ford and Junkins

HOUSE JOINT RESOLUTION

COMMENDING DAN S. MALONE OF GADSDEN, ALABAMA.

WHEREAS, Dan S. Malone of Gadsden, Alabama, a graduate of Emma Sansom High School and currently a student at the University of Alabama, is a young man possessed of great courage of conviction and one who has uncovered and aired a grave injustice to the memory of William L. Moore, an early civil rights activist from Baltimore, Maryland; and

WHEREAS, on April 21, 1963, William L. Moore began a "walk for freedom" from Chattanooga, Tennessee, to Jackson, Mississippi, and his was a fearless march that was to focus the eyes of America on the evils of segregation and to serve as a plea to his fellow Southerners to join the revolution in a fight for integration; and

WHEREAS, his courageous efforts were short lived, however, as on April 23, 1963, he was killed by two shots fired by an unknown

assailant as he walked along U.S. Highway 11 near the Keener Community in Etowah County, Alabama; and

WHEREAS, William Moore's assassination represents one of the first deaths of a civil rights activist, yet the spot where a young white man from Baltimore lost his life, while seeking equality and justice for all, remains unmarked and his courage and virtue remain unheralded; and

WHEREAS, Dan Malone is indeed to be commended for the role he has taken in recounting for posterity the contributions of William L. Moore to the cause of civil rights and this brave man's ultimate sacrifice made more than 25 years ago; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his untiring efforts to commemorate the courage and greatness of character of William L. Moore, we hereby commend Dan S. Malone of Gadsden, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved September 13, 1988

Time: 3:56 P.M.

Act No. 88-707

H.J.R. 91—Reps. Ford, Junkins and Bugg

HOUSE JOINT RESOLUTION

DESIGNATING OCTOBER 12, 1988, AS "JACK LANG APPRECIATION DAY" IN THE CITY OF GADSDEN.

WHEREAS, Jack Lang of Gadsden, Alabama, is a graduate of Gadsden High School and has been employed at the West Gadsden Cafe for the past eleven years; and

WHEREAS, a dedicated and loyal fan of both the Gadsden High School and Auburn Tigers, Mr. Lang also is an avid bowler and serves as secretary of his bowling league; and

WHEREAS, he is a former golf caddy, a member of the 12th Street Baptist Church in Gadsden and, among other interests and activities, finds great enjoyment in gospel singing; and

WHEREAS, Jack Lang is indeed a beloved member of his community; he knows no strangers, is a friend to all, and that friendship is returned in kind by everyone he meets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of a

truly distinguished member of the Gadsden community, we hereby name and designate October 12, 1988, as "Jack Lang Appreciation Day" in the City of Gadsden, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Lang that he, his brothers, Robert and Roy Lang, and his sister, the Honorable Sue Glidewell, Mayor of Rainbow City, Alabama, may know of this honorary designation of the Alabama Legislature.

Approved September 13, 1988

Time: 3:57 P.M.

Act No. 88-708

H.J.R. 74—Reps. Hammett, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G),

White (L), Williams, Willis,
Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING W. F. (NOOPIE) COSBY, JR., OF SELMA, ALABAMA, LEGISLATIVE CONSERVATIONIST OF THE YEAR.

WHEREAS, our friend and colleague, W. F. (Noopie) Cosby, Jr., has served since 1978 as a very able and effective member of the Alabama House of Representatives, and his proficiency has been recognized through numerous honors and distinctions including nomination for the 1984 Award of Merit as Outstanding Legislator, 1977 Selma Jaycee of the Year, 1985-1986 Man of the Year, and in April 1988, received the Alabama Travel Council's Award of Excellence; and

WHEREAS, in further distinction, Representative Cosby has now been named Legislative Conservationist of the Year by the Alabama Wildlife Federation in recognition of his on-going efforts to defeat legislation that would adversely affect wildlife conservation throughout the State; and

WHEREAS, Mr. Cosby, during the past ten years, has indeed evidenced his concern for wildlife conservation, and unyielding to the pressure of political expediency, has remained steadfast in his opposition to anticonservation legislation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and colleague, Representative Noopie Cosby, for outstanding service to his constituents in House District 70, to the State of Alabama and to all citizens thereof.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Cosby and that copies also be provided for his son, Drayton, and daughter, Mary Alise.

Approved September 13, 1988

Time: 3:58 P.M.

Act No. 88-709

H.J.R. 75—Reps. Hammett, Adams, Beasley,
Beers, Biddle, Black, Blake,
Blakeney, Bowling, Box,
Breedlove, Britnell, Brooks,
Bryant, Bugg, Burke,
Buskey (JE), Buskey (JL),

Butler, Campbell, Carothers,
 Carter, Clark (J), Clark (W),
 Coburn, Crow, Curry, Davis,
 Dillard, Drake, Escott, Faulk,
 Flowers, Ford, Frazier, Freeman,
 Fuller, Gaston, Goodwin, Gray,
 Grayson, Grouby, Hall,
 Hamilton, Harper, Harvey,
 Haynes, Headley, Hettinger,
 Higginbotham, Hill, Hogan,
 Holley, Holmes, Hooper,
 Johnson (RG), Johnson (RW),
 Junkins, Kennedy, Knight,
 Kvalheim, Laird, Layson,
 Lindsey, Logan, McClain,
 McDowell, McKee, McMillan,
 Marietta, Marks, Mathis,
 Melton, Mikell, Moon, Newman,
 Newton, Parker, Payne, Penry,
 Perdue, Petelos, Poole, Rains,
 Reed, Richardson, Rogers,
 Seibels, Slaughter, Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White (F), White (G),
 White (L), Williams, Willis,
 Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING W. F. (NOOPIE) COSBY, JR., RECIPIENT OF THE ALABAMA TRAVEL COUNCIL'S AWARD OF EXCELLENCE.

WHEREAS, in continuing contributions and achievement, Representative Noopie Cosby has served with great distinction since 1978 as a member of the Alabama House of Representatives; and

WHEREAS, a graduate of Marion Military Institute and Livingston State University, Mr. Cosby, even prior to his election to the Legislature, was a well-established community leader who served on the Marion Institute Alumni Board of Directors and through membership and involvement in the activities of the Selma Jaycees, the Alabama and Dallas County Cattlemen's Associations and the First Baptist Church of Selma; and

WHEREAS, Representative Cosby has continued to broaden his areas of expertise as a legislator, and has provided statewide leadership

through assignment to such committees as Insurance, Banking, Commerce and Industrial Development and Education; and

WHEREAS, he further is the recipient of many awards attesting to the consecration of his energies to the good of community and state, and among the latest of these is the Alabama Travel Council's Award of Excellence; and

WHEREAS, Representative Cosby was recognized for his efforts to secure funding for the renovation of Sturdivant Hall and other local tourism projects; he also was cited for his instrumentality in establishing a legislative committee to study the uses of Cahaba, Alabama's first capital, and to later secure land acquisitions and funding for the project; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in pride of his accomplishments and in acknowledgement of his many contributions to our State, we hereby commend W. F. (Noopie) Cosby, Jr., of Selma, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

BE IT FURTHER RESOLVED, That copies of this resolution also be provided for Mr. Cosby's children, Drayton and Mary Alise.

Approved September 13, 1988

Time: 3:59 P.M.

Act No. 88-710

H.J.R. 110—Reps. White (L), Campbell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger,

Higginbotham, Hill, Hogan,
 Holley, Holmes, Hooper,
 Johnson (RG),
 Johnson (RW), Junkins,
 Kennedy, Knight,
 Kvalheim, Laird, Layson,
 Lindsey, Logan, McClain,
 McDowell, McKee,
 McMillan, Marietta, Marks,
 Mathis, Melton, Mikell,
 Moon, Newman, Newton,
 Parker, Payne, Penry,
 Perdue, Petelos, Poole,
 Rains, Reed, Richardson,
 Rogers, Seibels, Slaughter,
 Spratt, Starkey, Thomas,
 Turner, Turnham, Venable,
 Walker, Warren, White (F),
 White (G), Williams, Willis,
 Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING LOUISE PITTMAN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, Miss Sarah Louise Pittman, Director of the Division of Family and Children's Services of the State Department of Human Resources, has served the children of Alabama for more than a half century, first with the Colbert County Department of Education beginning in 1935, and then with the Department of Human Resources beginning in 1938; and

WHEREAS, during her decades of service, she has been directly responsible for innumerable developments in Alabama's child welfare services that have enhanced the lives of tens of thousands of children; and

WHEREAS, Miss Pittman has been the recipient of countless honors and awards of regional and national scope, and has thereby enhanced the image and reputation of Alabama's child welfare services; and

WHEREAS, Miss Pittman will retire from state service effective September 30, 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend deepest gratitude and best wishes to Sarah Louise Pittman for her service to Alabama's children, and do further direct that she

receive a copy of this resolution of sincere admiration and highest regard.

Approved September 13, 1988

Time: 4:00 P.M.

Act No. 88-711

H.J.R. 113—Reps. Kvalheim, Zoghby,
Marietta, Gaston,
McMillan and Penry

HOUSE JOINT RESOLUTION

CONGRATULATING THE UMS PREPARATORY SCHOOL
BASEBALL TEAM AS OUR 1988 STATE 3A CHAMPIONS.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates the UMS Preparatory School baseball team as tops in the State in Class 3A competition; and

WHEREAS, under the talented leadership and direction of Head Coach Mike Jacobs and Assistant Coach Tommy Hearn, UMS Prep finished the season with a fantastic 19-9 overall record and brought the State 3A Title back to Mobile for the school's second Championship for 1988; and

WHEREAS, Coach Jacobs' Champs, each of whom greatly contributed to UMS's outstanding season and the 3A Crown, are: Seniors John Parker, Alvin Hope, Trey Steele, Joel Barlow, Craig Perloff, Jason Bethea and Steve Hancock; Juniors Donnie Brown, Eddie Massey and Colby Maher; and Sophomores Brad Thompson, Brian Allen, Drew Mattison, Chris McKee, William Younce, Doug Sawyer, Chris Crawford, Jason Kilpatrick and Robert Miller; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Mobile's UMS Preparatory School as our 1988 State 3A Baseball Champions, and do further direct that copies of this resolution be forwarded to Coach Jacobs for appropriate presentation and school display.

Approved September 13, 1988

Time: 4:01 P.M.

Act No. 88-712

H.J.R. 115—Reps. Kvalheim and Ford

HOUSE JOINT RESOLUTION

COMMENDING MAX V. MCLAUGHLIN ON HIS DISTINGUISHED MILITARY CAREER.

WHEREAS, the imminent retirement on November 3, 1988, of Brigadier General Max W. McLaughlin brings to a close a distinguished military career of 40 years, including 37 years of active commissioned service; and

WHEREAS, a native of Blue Springs, Alabama, General McLaughlin is a graduate of the University of Alabama Medical School, having received his M.D. degree in 1956; and

WHEREAS, General McLaughlin entered active duty as an enlisted man in October 1946 and was discharged, following assignments at Ft. McClellan, in Japan and at Ft. Lewis in Washington; and

WHEREAS, in 1950, he joined the United States Army Reserve and was given an ROTC commission in 1952; he served as Cadet Lieutenant Colonel for the University of Alabama ROTC and was a distinguished military graduate; and

WHEREAS, General McLaughlin served in the USAR in various assignments, including platoon leader and medical officer, until 1956, at which time he transferred to the Alabama National Guard as a 1st Lieutenant and was assigned as medical officer, Medical Company 200th Infantry and was promoted to Captain; and

WHEREAS, with the ARNG, General McLaughlin was promoted successively to the rank of Major in 1961, Lieutenant Colonel in 1966, Colonel in 1972, and was appointed Brigadier General in 1984; and

WHEREAS, from 1984 until 1987, General McLaughlin held the position of Deputy Adjutant General and, in 1987, was appointed Assistant State Adjutant General, his current and retirement rank; and

WHEREAS, in addition to his outstanding military career, General McLaughlin has served the community as a physician, and through the activities of numerous professional, civic and community organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General Max V. McLaughlin for outstanding service to community, state and nation and, most particularly, on his long years of service in the United States Army, the United States Army Reserve and the Alabama Air National Guard.

BE IT FURTHER RESOLVED, That in token of our sincere admiration and esteem, a copy of this resolution shall be forwarded to General McLaughlin.

Approved September 13, 1988

Time: 4:02 P.M.

Act No. 88-713

H.J.R. 117—Rep. Blakeney

HOUSE JOINT RESOLUTION

CONGRATULATING SWEET WATER HIGH SCHOOL ON
THE CLASS 1A STATE BASEBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Sweet Water High School Baseball Varsity on their 1988 1A State Championship, captured with 15-0 and 6-5 wins over the Moundville team from Hale County; and

WHEREAS, prior to the championship round, Sweet Water downed Excel and Brantley, 18-0 and 15-3, respectively, and in the best-of-three series against Fayetteville, Sweet Water won the first game, 9-5; lost the second by a score of 5-3; and, in the final match-up swamped Fayetteville, 20-4, for the State Crown; and

WHEREAS, leading the Sweet Water team to a sensational season and the 1A Title were Head Coach Nolan Atkins and Assistant Coaches Tuffy Atkins and Stacy Luker, with Myron Pope and Randy Waters serving as team managers; and

WHEREAS, the Sweet Water High School Champions are Adam Ballard, Clint McIntosh, Gerald Marshall, Johnter Landrum, Morris Etheridge, Kelvin Johnson, Terry McIntosh, Ted Marshall, Scott Luker, Robert Bridges, Tim Hudgins, Kim Morgan, Shaun Gamble, Eric Megginson, Gerald Williams, Ken Atkins, Tobia Johnson, Alvin Landrum, Rube Lewis and Todd Davis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Marengo County's Sweet Water High School as the 1988 Class 1A State Baseball Champions, and do further direct that copies of this resolution be forwarded to Principal Sidney Atkins for appropriate presentation and school display.

Approved September 13, 1988

Time 4:03 P.M.

Act No. 88-714

H.J.R. 119—Reps. Butler, Grayson, Hettinger,
Brooks and Hall

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GEORGE ERNEST HARRIS
OF HUNTSVILLE, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of George Ernest Harris of Huntsville, Alabama, on August 4, 1988, at the age of 93 years; and

WHEREAS, a resident of Huntsville since 1954, Mr. Harris was a co-founder, with his wife, of Harris Home for Children which was incorporated in 1957 and licensed as a group care home by the Department of Human Resources in 1960; and

WHEREAS, Mr. and Mrs. Harris, upon moving to Huntsville from Ohio with their four children and six foster children, realized a need in the community for adequate facilities and foster care for neglected and abused children, most particularly for neglected black children; and

WHEREAS, in response to this need, the Harris family opened their home and hearts to these children, operating with their own limited funds and with donations from friends; at one point in the early years of operation, Mr. Harris returned to Ohio where he worked for two years to earn enough money to build an addition to their home in Huntsville; and

WHEREAS, the Harris Home for Children, since the 1950's, has provided shelter and loving foster care for innumerable infants, children and youths in the Huntsville area, and Mr. Harris was a devoted father, provider and supporter throughout these many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of George Ernest Harris of Huntsville, Alabama, and extend sincere and deepest sympathy to his wife, Mrs. Chessie Harris; to his sons, George Harris, Jr., Herbert Davidson and Chester Harris; daughters, Mrs. Marilyn Mabry and Joan Robinson; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved September 13, 1988

Time: 4:04 P.M.

Act No. 88-715

H.J.R. 120—Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING 1988 BOYS STATE GOVERNOR, MICHAEL
WARD OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Michael Ward of Huntsville, Alabama, as the 1988 and 51st Governor of Boys State, which is sponsored annually by the American Legion; and

WHEREAS, named as a delegate by Legion Post 176 of Huntsville, Michael Ward is a member and president of the Butler High School Class of '89, and is also captain of Butler's 22-member speech and and debate team; and

WHEREAS, Michael, who is the 18-year-old son of Staff Sergeant and Mrs. Roy Brown, is only the second black ever elected to this top position in the history of Boys State, a week-long program of training in the practical aspects of government; and

WHEREAS, we further note, with highest commendation, that Michael Ward was elected to this high position from among 579 delegates representing high schools from throughout the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in pride of his representation of Alabama at Boys Nation Washington, D. C., we hereby commend Michael Ward of Huntsville, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved September 13, 1988

Time: 4:05 P.M.

Act No. 88-716

H.J.R. 124—Reps. Blake, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley,

Hettinger, Higginbotham,
 Hill, Hogan, Holley, Holmes,
 Hooper, Johnson (RG),
 Johnson (RW), Junkins,
 Kennedy, Knight, Kvalheim,
 Laird, Layson, Lindsey,
 Logan, McClain, McDowell,
 McKee, McMillan, Marietta,
 Marks, Mathis, Melton,
 Mikell, Moon, Newman,
 Newton, Parker, Payne,
 Penry, Perdue, Petelos,
 Poole, Rains, Reed,
 Richardson, Rogers, Seibels,
 Slaughter, Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 White (F), White (G),
 White (L), Williams, Willis,
 Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING JEREMY LOWERY OF MARGARET, ALABAMA.

WHEREAS, Jeremy Lowery of Margaret, Alabama, is an eighteen-year-old sophomore at St. Clair County High School in Odenville where he plays tackle on the SCCHS football team; and

WHEREAS, at 518 pounds, Jeremy Lowery is the largest football player in the United States, and as such, has received nationwide publicity in articles appearing in a number of publications, including *Sports Illustrated*, *The Birmingham News*, *St. Clair News Aegis*, and *U.S. News*, among others; and

WHEREAS, Jeremy Lowery has attended school in St. Clair County since the first grade; it is his first year, however, to play football and he is indeed to be commended for having accepted the challenge of playing such a grueling and demanding sport at his weight which exceeds 500 pounds; and

WHEREAS, extremely well liked by his fellow team members, classmates and many friends, Jeremy also is enjoying the encouragement and support of all residents throughout St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jeremy Lowery of Margaret, Alabama, whom we

wish every success in his football career and to whom a copy of this resolution shall be forwarded.

Approved September 13, 1988

Time: 4:06 P.M.

Act No. 88-717

H.J.R. 126—Rep. Johnson (RG)

HOUSE JOINT RESOLUTION

COMMENDING A. F. WHITMAN UPON HIS RETIREMENT
FROM THE SYLACAUGA CHAMBER OF COMMERCE.

WHEREAS, this Legislature notes that A. F. Whitman became Executive Vice President of the Sylacauga Chamber of Commerce on December 7, 1977; and

WHEREAS, in 1979, due largely to individual efforts of Mr. Whitman, 107 new members had been added to the Chamber of Commerce rolls and to date overall membership has increased 80%; and

WHEREAS, during his ten-year tenure, ten significant industries were added and expanded in the Sylacauga vicinity with 16 bond issues floated totaling some 50 million dollars for these new and expanded industries; and

WHEREAS, during such ten-year period, nine site grants were paid Sylacauga industries through efforts of the Sylacauga Chamber of Commerce totaling \$192,000 and Sylacauga was officially certified as a "City Prepared for Industry"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend A. F. Whitman for a job well done as Executive Vice President of the Sylacauga Chamber of Commerce and do wish him well upon his forthcoming retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Sarah Whitman and his two sons, Albert and Bill Whitman.

Approved September 13, 1988

Time: 4:07 P.M.

Act No. 88-718

H.J.R. 127—Reps. Johnson (RW) and Butler

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON EMERGENCY MEDICAL SERVICES.

WHEREAS, emergency medical personnel provide vital life-saving services to the citizens of this state, 24 hours a day, every day of the year; and

WHEREAS, in order to ensure the citizens of Alabama the best possible continued emergency medical services it is necessary that such services be coordinated; and

WHEREAS, the legislature of this state recognizes the importance of continuing quality emergency medical care for citizens in every corner of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a six member joint interim legislative committee to study the overall structure of emergency medical services in this state. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of emergency medical services in this state so as to ensure continued quality medical care for all areas of the state, and to coordinate a statewide plan for such services.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1989 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

Approved September 13, 1988

Time: 4:08 P.M.

Act No. 88-719

H.J.R. 128—Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, September 8, 1988, they adjourn to meet again on Tuesday, September 13, 1988.

Approved September 13, 1988

Time: 4:09 P.M.

Act No. 88-720

H.J.R. 130—Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING MAJOR GENERAL GARY COOPER OF MOBILE, ALABAMA.

WHEREAS, in highest commendation the Legislature of Alabama, congratulates our friend and former colleague, Jerome G. (Gary) Cooper of Mobile as the recipient of the prestigious Legion of Merit; and

WHEREAS, Gary Cooper, a Marine Reservist, recently selected for major general; received the award for exceptional meritorious service and demonstrated leadership during his command of the 4th Force Service Support Group; and

WHEREAS, General Cooper, who is a Vietnam veteran and the first black officer ever to lead an infantry company into combat, was discharged from active duty in 1969, having earned a Bronze Star, two Purple Hearts and three Vietnam Crosses of Gallantry; and

WHEREAS, General Cooper, in new assignment as director of manpower and recruiting, Headquarters Marine Corps, Washington, D.C., will head the Corps' recruiting efforts for both regular and reserves forces; and

WHEREAS, Gary Cooper also has greatly achieved in civilian life as a marketing executive with a prominent Mobile-based engineering firm; as a member of the Alabama House of Representatives; and as Commissioner of the Alabama Department of Human Resources; and

WHEREAS, a graduate of Notre Dame University, General Cooper also is the recipient of such other distinctions as Man of the Year, M. O. Beale Scroll of Merit and the Secretary of the Navy Award for Public Service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and in great pride of a fellow Alabamian and distinguished American, we hereby commend Gary Cooper of Mobile, whom we hold in warmest personal regard and for whom a copy of this resolution of esteem shall be provided.

Approved September 13, 1988

Time: 4:10 P.M.

Act No. 88-721

H. 26—Rep. Newton

AN ACT

To amend section 32-2-8, Code of Alabama 1975, relating to fees charged for copies of records of the Department of Public Safety, so as to increase the fee charged for a copy of any record in the files of the department of public safety.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-2-8, Code of Alabama 1975, is hereby amended to read as follows:

“§32-2-8.

“Whenever the director of public safety is required or allowed by law to furnish a copy of any record or report in the department’s files, the director shall set and collect a fee not to exceed the sum of \$5.00 for each record or report, unless a different fee is otherwise prescribed by law. Said fee shall be paid into the state treasury and credited to the state general fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:11 P.M.

Act No. 88-722

H. 120—Reps. Hooper, Hamilton, Cosby,
Dillard, Bowling, McMillan,

Turnham, Mikell, Logan,
 Petelos, Curry, Fuller, Knight,
 Newton, Perdue, Moon,
 Kvalheim, McKee, Drake,
 White (G) and Hammett

AN ACT

To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-6-3, Code of Alabama 1975, is hereby amended to read as follows:

“§8-6-3.

“(a) It is unlawful for any person to transact business in this state as a dealer or salesman for securities unless he is registered under this article. It is unlawful for any dealer or issuer to employ a salesman unless the salesman is registered.

“(b) A dealer or salesman may apply for registration by filing with the securities commission an application, together with a consent to service of process pursuant to section 8-6-12 and payment of the fee prescribed in subsection (f) of this section. Registration of a dealer automatically constitutes registration of all partners or executive officers of such dealer as salesmen, except any partner or executive officer whose registration as a salesman is denied, suspended or revoked under subsection (h) of this section, without the filing of applications for registration as salesmen or the payment of fees for registration as salesmen. The application shall contain whatever information the commission requires concerning such matters as:

“(1) The applicant’s form and place of organization;

“(2) The applicant’s proposed method of doing business;

“(3) The qualifications and business history of the applicant and, in the case of a dealer, any partner, officer or director;

“(4) Any injunction or administrative order or conviction of a misdemeanor involving moral turpitude, a security or any aspect of the securities business, any conviction of a felony; and

“(5) The applicant’s financial condition and history.

“(c) Before any dealer registration shall be effective under this article, such dealer shall enter into a bond of not less than \$10,000.00, which said bond shall be payable to the state of Alabama, shall be executed by the dealer and a corporation qualified to do business as

a surety company in the state of Alabama and shall be filed with the securities commission. Said bond shall be in such form as the commission shall from time to time designate and shall be conditioned upon the faithful accounting of all moneys and securities of another and for the payment of any judgment entered by a court of competent jurisdiction against such dealer or agent of such dealer, one or both, in any civil action in Alabama based upon fraud or misrepresentation in the sale in Alabama of any security. Any original purchaser of securities from or through any such registered dealer or other person damaged by any breach in the conditions of said bond shall have a right of action upon said bond for the damages suffered thereby. No action may be maintained to enforce any liability under the bond unless brought within two years after the sale or other action upon which such action is based. One or more recoveries upon such bond shall not vitiate the same, but the aggregate amount of such recoveries thereon shall not exceed the amount of such bond. Any recovery on such bond shall be sufficient cause for cancelling or revoking such dealer's registration; provided, however, that no such bond shall be filed as a prerequisite to registration by a dealer whose net worth exceeds \$25,000.00. In computing net worth for the purpose of determining whether a bond shall be required, the commission shall consider as assets of the dealer only cash, customer and dealer debit balances and securities at 80 percent of market value; all liabilities of the dealer shall be considered in such computation. For the purpose of determining the market value of the securities of a dealer applicant under this section, the commission may appoint three registered securities dealers, or representatives thereof, to make an appraisal of such securities.

“(d) If no denial order is in effect and no proceeding is pending under subsection (h) of this section, registration becomes effective at noon on the sixtieth day after an application is filed. The securities commission may specify an earlier effective date, and it may by order defer the effective date until noon of the sixtieth day after the filing of any amendment. The commission shall require as conditions of registration that:

“(1) For all registrations granted after January 1, 1960, the applicant and, in the case of a corporation or partnership, the officers or partners pass a written examination as evidence of knowledge of the securities business. The commission shall accept in lieu of any examination given by it the examination given by the national association of securities dealers or the securities and exchange commission examination (SECO exam). The commission shall prepare and give an examination at intervals not more frequent than biweekly. For the purpose of assisting in the preparation and the grading of this examination, the commission shall appoint three representatives from the securities industry, one to serve for three years, one to

serve two years and one to serve one year; the members of such board shall serve for the aforementioned periods or until their successors have been appointed. All subsequent appointments shall be for three-year terms. Vacancies occurring from death, resignation or other reasons shall be filled by appointment by the commission for the unexpired term. Where examinations contemplated by this subsection are given by the commission, the applicants and, in the case of corporations or partnerships, each officer or partner shall pay an examination fee of \$10.00 which shall be deposited in the general fund in the state treasury.

“(2) A dealer shall have a minimum net worth of \$10,000.00, but the commission shall not require net worth in excess of \$50,000.00; net worth to be computed as designated in subsection (c) of this section.

“Registration of a dealer or salesman shall be effective until April 1 of the following year and may be renewed as hereinafter provided.

“(e) Registration of a dealer or salesman may be renewed by filing with the securities commission, prior to the expiration thereof, an application containing such information as the commission may require to indicate any material change in the information contained in the original application or any renewal application for registration as a dealer or salesman filed with the commission by the applicant, payment of the prescribed fee and, in the case of a dealer, a dealer's bond as provided in subsection (c) of this section if the financial condition of the dealer requires such bond. In order to continue the effectiveness of registration and to entitle the dealer to a renewal thereof, such dealer must file a financial statement prepared in accordance with standard accounting practice and certified by an independent certified public accountant showing the financial condition of such dealer at the close of the dealer's fiscal period. Said statement must be filed with the commission within 45 days after the close of the dealer's fiscal period unless an extension of time is granted by the commission, and the commission shall accept for filing a financial statement in the form required to be filed with the securities and exchange commission from those dealers who are registered therewith. A registered dealer may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year without payment of any fee.

“(f) The fee for initial or renewal registration shall be \$200.00 for a dealer and \$50.00 for a salesman. When an application is denied or withdrawn, the securities commission shall retain the fee.

“(g) Every registered dealer shall make and keep such accounts and other records, except with respect to securities exempt under subsection (1) of section 8-6-10, as the securities commission prescribes. All records so required shall be preserved for five years unless the commission prescribes otherwise for particular types of records. All the records of a registered dealer are subject at any time or from time to time to such reasonable periodic, special or other examinations by representatives of the commission, within or without this state, as the commission deems necessary or appropriate in the public interest or for the protection of investors.

“(h) The securities commission may by order deny, suspend or revoke registration of any dealer or salesman if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a dealer, any partner, officer or director:

“(1) Has filed an application for registration under this section which, as of its effective date or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstance under which it was made, false or misleading with respect to any material fact;

“(2) Has willfully violated or willfully failed to comply with any provisions of this article, or a predecessor act, or any rule or order under this article or a predecessor act;

“(3) Has been convicted of any misdemeanor involving moral turpitude, a security or any aspect of the securities business or any felony;

“(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

“(5) Is the subject of an order of the commission denying, suspending or revoking registration as a dealer or salesman;

“(6) Is the subject of an order entered within the past 10 years by the securities administrator of any other state or by the securities and exchange commission denying or revoking registration as a dealer or salesman, or the substantial equivalent of those terms as defined in this article, is the subject of an order of the securities and exchange commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States post office fraud order; but:

“a. The commission may not institute a revocation or suspension proceeding under this subsection more than two years from the date of the order relied on, and

"b. It may not enter any order under this subsection on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

"(7) Has engaged in dishonest or unethical practices in the securities business;

"(8) Is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature, but the commission may not enter an order against a dealer under this subsection without a finding of insolvency as to the dealer;

"(9) Has not complied with a condition imposed by the commission under subsection (d) of this section, or is not qualified on the basis of such factors as training, experience or knowledge of the securities business;

"(10) Has failed reasonably to supervise his agents if he is a dealer; or

"(11) Has failed to pay the proper filing fee, but the commission may enter only a denial order under this subsection, and it shall vacate any such order when the deficiency has been corrected.

"The commission may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to it when registration became effective. The commission may by order summarily postpone or suspend registration pending final determination of any proceeding under this subsection. Upon the entry of the order, the commission shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is a salesman, that it has been entered and of the reasons therefor and that within 15 days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commission, the order will remain in effect until it is modified or vacated by the commission. If a hearing is requested or ordered, the commission, after notice of an opportunity for hearing, may modify or vacate the order or extend it until final determination. No order may be entered under this section denying or revoking registration without appropriate prior notice to the applicant or registrant as well as the employer or prospective employer if the applicant or registrant is a salesman, opportunity for hearing and written findings of fact and conclusions of law.

"(i) If the securities commission finds that any registrant or applicant for registration is no longer in existence, has ceased to do business as a dealer or salesman, is subject to an adjudication of mental incompetence or to the control of a committee, conservator

or guardian or cannot be located after reasonable search, the commission may by order cancel the registration or application."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:12 P.M.

Act No. 88-723

H. 138—Reps. Hooper, Hamilton, Cosby, Dillard, Bowling, McMillan, Mikell, Flowers, Logan, Petelos, Turnham, Curry, Walker, Fuller, Knight, Newton, Perdue, Moon, Kvalheim, Drake, White (G), Hammett and McKee

AN ACT

To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of this act, the following terms shall have the following meanings:

"Board"—the alcoholic beverage control board.

"Local Governing Body"—any county or municipal commission, council or other governing body or any official of any county or municipality that is authorized by Sections 28-3-190 and 28-7-16, Code of Alabama 1975, to collect taxes levied by the state of Alabama upon the sale of any beer or table wine.

Section 2. Any local governing body may, prior to the effective date of this act or at any time thereafter, elect to authorize the board to audit and collect any and all taxes levied pursuant to Sections 28-3-190 and 28-7-16, Code of Alabama 1975, upon the sale of any beer or table wine. Any local governing body may elect to retain, or at any time after the effective date of this act, by an appropriate resolution or ordinance duly adopted and spread upon its minutes, elect to retain or reclaim the power and authority granted to it by Sections 28-3-190 and 28-7-16, Code of Alabama 1975, to audit and

collect any such taxes, whereupon said taxes shall be paid to and collected by the local governing body as provided in said sections.

Section 3. The taxes on beer or table wine levied pursuant to Sections 28-3-190 and 28-7-16, Code of Alabama 1975, to be collected by any local governing body, except as provided in Section 2 of this act, shall be paid when due in accordance with the applicable law to the board for the use and benefit of such local governing body. The board shall collect the revenues generated by such tax at the same time and in the same manner as provided for collection by the local governing body. The taxes so collected shall be deposited into a special fund for the local governing body and paid by the board to the treasury of the local governing body for which they were collected within twenty-five (25) days after the end of the month in which such funds are received by the board. Provided, however, that the board shall retain two and one-half percent (2 1/2%) of the tax due to the local governing body as a fee to the board for auditing, collecting, disbursing and administering the tax. The sum so retained by the board shall be deposited to the credit of the general fund of the state and dispersed therefrom according to law. Each such local governing body shall further distribute such proceeds in the manner provided by law.

Section 4. Any provisions of the act to the contrary notwithstanding, the probate judge or any official or agent of any local governing body or any other person who, by statute applicable on the effective date of this act, receives a fee as a percentage of the tax for collecting such tax on beer or table wine levied pursuant to Sections 28-3-190 and 28-7-16, Code of Alabama 1975, shall continue to receive the said fee or percentage.

Section 5. The board shall prepare and distribute such reports, forms and other information as may be necessary for the collection and distribution of the said taxes. The board is authorized to promulgate all reasonable rules and regulations necessary to implement the provisions of this act.

Section 6. The board shall have the authority to inspect, examine and audit the books and records of any wholesaler licensee who sells, stores or receives for the purpose of distribution, any alcoholic beverages, to verify the proper filing and to determine the accuracy of any state or local tax return required to be filed by the wholesaler, and to determine the payment of all state and local taxes when and where due with respect to any state or local tax levied on alcoholic beverages by statute. In pursuance of said authority, the board shall have the further authority to inspect, examine and audit the books and records of any person, firm, corporation, club or association who sells at retail any alcoholic beverages.

Section 7. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating this subject; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 8. This act shall become effective October 1, 1988, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:13 P.M.

Act No. 88-724

H. 147—Rep. Knight

AN ACT

To amend Section 35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 35-12-38, Code of Alabama 1975, is hereby amended to read as follows:

“§35-12-38.

“(a) Except as provided in subdivisions (b) and (c), all abandoned property other than money delivered to the commissioner of revenue under this article shall, within one year after the delivery, be sold by him to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved.

“The commissioner of revenue may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

“(b) Securities listed on an established stock exchange may be sold through that exchange at the prevailing prices on such exchange. Other securities may be sold over the counter at prevailing prices.

“(c) Bonds issued by the United States, or any state, or any county, municipality, or other political subdivision of any state, or any other governmental body or agency of any governmental body, foreign or domestic, or any corporation, which have reached maturity may be presented to the issuer for payment.

“(d) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

“(e) The purchaser at any sale conducted by the commissioner of revenue pursuant to this article shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The commissioner of revenue shall execute all documents necessary to complete the transfer of title.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This act shall become effective upon the first day of the second month following the month of passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:14 P.M.

Act No. 88-725

H. 181—Rep. Venable

AN ACT

Relating to Coosa County, providing for an advisory referendum regarding Coosa County Commission members' compensation and the Coosa County Commission chairman's right to vote.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coosa County Commission shall call for an advisory referendum election to be held on the date of the next general election held in the county after the effective date of this act. The questions to be presented at said election shall be substantially as follows:

ADVISORY REFERENDUM

a. If you prefer the Coosa County Commission to continue to operate as presently provided by Act 86-239 with five (5) commission districts with the probate judge serving as a voting chairman and the five commissioners continuing to draw minimum compensation

as provided by law, you should vote "No" on all the following questions.

b. "Shall the Coosa County Commission form of government be changed in the following ways beginning in January 1991?"

1. The probate judge shall continue to serve as county commission chairman, but shall have no vote on the commission. Yes () No ()

2. The five county commissioners shall receive \$6,000 annually until 1995, with the legislature setting salaries for future terms. Yes () No ()

3. County funds may not be spent for out-of-state travel by elected officials except in an emergency as provided for by legislative act. Yes () No ()

4. Shall the Coosa County Commission be authorized and empowered to elect its chairperson from among its members for a term of two years with such chairperson having an option to succeed himself or herself as such chairperson if so elected by the county commission? Yes () No ()

Section 2. Notice of advertisement of this local act shall be and serve as notice of the advisory referendum election to be held as specified herein. Said election shall be held and conducted as nearly as may be in the same manner as elections on amendments to the constitution and elections for other county officers. The judge of probate of Coosa County shall certify the results of the election to the secretary of state immediately after the returns have been certified. The cost of presenting the herein specified questions to the voters of Coosa County shall be paid by the Coosa County Commission.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:15 P.M.

Act No. 88-726

H. 170—Rep. Black

AN ACT

To authorize the Greene County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. The Greene County Board of Health shall designate the services rendered by the County Health Department for which fees may be charged and shall set the fee to be charged for each service. Any fees to be charged under the authority of this act by the County Health Department shall be subject to approval by the respective county commission prior to implementation. The Health Department is hereby authorized to charge and collect such fees. All fees collected shall be in addition to any and all federal, state and local appropriations. Any fees collected shall be processed in accordance with the recommendations of the State Examiners of Public Accounts.

Section 2. No person shall be denied any service because of that person's inability to pay. The County Board of Health may establish a sliding fee scale based on one's ability to pay.

Section 3. This act shall not apply to nor affect any fees otherwise authorized, set or collected under state or federal law or regulations.

Section 4. All fees collected pursuant to this act are hereby appropriated to the respective health department which collected such fees.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:16 P.M.

Act No. 88-727

H. 264—Reps. Blakeney and Black

AN ACT

To authorize the Choctaw County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. The Choctaw County Board of Health shall designate the services rendered by the County Health Department for which fees may be charged and shall set the fee to be charged for each service. Any fees to be charged under the authority of this act by the County Health Department shall be subject to approval by the respective county commission prior to implementation. The Health Department is hereby authorized to charge and collect such fees. All fees collected shall be in addition to any and all federal, state and local appropriations. Any fees collected shall be processed in accordance with the recommendations of the State Examiners of Public Accounts.

Section 2. No person shall be denied any service because of that person's inability to pay. The County Board of Health may establish a sliding fee scale based on one's ability to pay.

Section 3. This act shall not apply to nor affect any fees otherwise authorized, set or collected under state or federal law or regulations.

Section 4. All fees collected pursuant to this act are hereby appropriated to the respective health department which collected such fees.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:17 P.M.

Act No. 88-728

H. 23—Rep. Newton

AN ACT

To amend section 32-6-15, Code of Alabama 1975, relating to fees for duplicate drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-15, Code of Alabama 1975, is hereby amended to read as follows:

“§32-6-15.

“(a) In the event any driver's license issued under the provisions of this article is lost or destroyed, the person to whom the same was issued may upon payment of a fee of \$5.00 and upon furnishing proof to the director of public safety that the same has been lost or destroyed, secure a duplicate. The second and subsequent duplicates applied for will require the payment of a fee of \$15.00 and, upon furnishing proof to the director of public safety that his previously held license or duplicate has been lost or destroyed, secure another duplicate. Application for such duplicate will be made to the director of public safety on forms provided by him. The said fee shall be collected by the director, paid into the state treasury and credited to the department of public safety.

“(b) Any person making a false affidavit to the director of public safety for the purpose of obtaining a duplicate driver's license shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than 30 days or by a fine of not less than \$25.00 nor more than \$100.00.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:18 P.M.

Act No. 88-729

H. 111—Rep. Turnham

AN ACT

To amend section 32-6-8, Code of Alabama 1975, relating to learning permits for drivers' licenses, so as to provide for a four-year learner's license and increase the fees accordingly.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-8, Code of Alabama 1975, is hereby amended to read as follows:

“§32-6-8.

“(a) Any person 16 years of age or older who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a driver’s license under this article may apply for a learner’s license, and the judge of probate may issue such license upon a form which shall be provided by the director of public safety, entitling the applicant, while having such license in his immediate possession, to drive or operate a motor vehicle upon the highways for a period of four years, but, except when operating a motorcycle, such person must be accompanied by a licensed driver who is actually occupying a seat beside the driver. At the time of applying for such license, the applicant shall pay to the judge of probate a fee of \$15.00, and the judge of probate shall give him a learner’s license therefor on a form to be provided by the director of public safety. Such temporary instruction license may be renewed only by order of the director of public safety, and in no case shall the original license be renewed or extended more than once. The judge of probate shall not issue the temporary instruction license until the applicant has undergone the same examination that a person applying for a driver’s license is required by law to undergo, with the exception of the driving test, and produced a certificate to that effect signed by the proper examining officer.

“(b) Any person not less than 15 but under 16 years of age may obtain a learner’s license to learn to operate a motor vehicle upon application to the judge of probate of the county in which he or she resides, which license shall entitle such person to operate a motor vehicle when he or she is accompanied by a parent or his or her legal guardian who is duly licensed in this state as a motor vehicle operator or when accompanied by a licensed or certified driving instructor who is actually occupying a seat beside the motor vehicle operator. The application for such a learner’s license must be accompanied by a payment of a fee of \$15.00, to be distributed as provided in section 32-6-5; and the age of the applicant must be substantiated by the applicant filing with the judge of probate a certified copy of his or her birth certificate. A learner’s license issued under this subsection shall be in such form as the director of public safety may prescribe; it shall expire in four years; or when the holder subsequently applies for and receives a driver license, such driver’s license shall be issued for the remainder of the four year life of the learner’s license at no additional fee, the certificate thereof shall be prima facie evidence that the license holder was 15 years of age or older on the date of its issuance. Such a license may be suspended

or revoked in the same manner and for the same causes as a driver license and may also be revoked for any violation of the terms and conditions on which it was issued. The judge of probate shall not issue such a license to any person until the applicant has undergone the same examination that a person applying for a driver license is required by law to undergo, with the exception of the driving test, and has produced a certificate to that effect signed by the proper examining officer."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:19 P.M.

Act No. 88-730

H. 205—Rep. Flowers

AN ACT

To amend Sections 32-8-6, 32-8-7 and 32-8-87, Code of Alabama 1975, relating to the Uniform Certificate of Title and Theft Act, so as to simplify the motor vehicle title transaction fee schedule; to increase certain commissions and fees for services rendered; and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-8-6, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-6.

"(a) There shall be paid to the department for issuing and processing documents required by this chapter a fee of \$15.00 for each of the following transactions:

"(1) Each application for certificate of title;

"(2) Each application for replacement or corrected certificate of title;

"(3) Each application for certificate of title after transfer;

"(4) Each notice of security interest;

"(5) Each assignment by lienholder;

"(6) Each application for ordinary certificate of title upon surrender of a distinctive certificate;

or

"(7) Each application for information as to the status of the title of a vehicle.

"(b) The designated agents shall add the sum of \$1.50 to each document processed for which this fee is charged to be retained as the agent's commission for services rendered, and all other fees collected shall be remitted to the department.

"(c) If more than one transaction is involved in any application on a single vehicle and if supported by all required documents, the fee charged by the department and by the designated agent for processing and issuing shall be considered as only one transaction for which the designated agent shall receive and retain \$1.50 and shall collect and remit to the department \$15.00."

Section 2. Section 32-8-7, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-7.

"The probate judge or other county official who is authorized and required by law to issue license plates and who is required to process applications for certificate of title by the Alabama Uniform Certificate of Title and Antitheft Act may collect and retain a \$1.50 commission fee for each application processed in addition to the \$1.50 designated agent commission fee to further defray the cost of processing and mailing of title applications."

Section 3. Section 32-8-87, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-87.

"(a) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title who scraps, dismantles, destroys or changes the motor vehicle in such a manner that it is not the same motor vehicle described in the certificate of origin or certificate of title, shall as soon as practicable cause the certificate of origin or certificate of title, if any, and any other documents or information required by the department to be mailed or delivered to the department for processing. The department shall, with the consent of any holder of liens noted on the surrendered certificate, enter a cancellation upon its records. Upon cancellation of a certificate of origin or certificate of title in the manner prescribed by this section, the department shall cancel all certificates of origin or certificates of title and all memorandum certificates in that chain of title. A certificate of title for the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content as specified in this section.

"No motor vehicle for which a salvage or junk certificate has been issued by this state or any other state shall be driven or operated on the highways or other public places of this state. However, a vehicle which is in this state and for which a salvage certificate has been issued, and the vehicle is being restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, may be moved to and from repair points as necessary by the rebuilder to complete the restoration or may be moved as permitted by the department of revenue for inspection or for any other purpose. A valid Alabama dealer transport (DT) license plate must be displayed on the vehicle during its movement. Any person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(b) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money or made other monetary settlement as compensation for a total loss of any motor vehicle, such motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within 72 hours after such total loss or salvage occurs, make application for a salvage certificate of title and forward to the department the certificate of origin or certificate of title to the motor vehicle, whereupon the department shall process the certificate of origin or certificate of title in a manner prescribed by law or regulation. An insurance company which pays money or makes other monetary settlement as compensation for total loss of a motor vehicle shall at the time of payment or monetary settlement obtain such vehicle's certificate of origin or certificate of title and, as soon as practicable after receiving them, shall forward them along with their application for a salvage certificate, to the department for processing. In the event the payment or monetary settlement was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall forward the vehicle's properly assigned certificate of origin or certificate of title as provided herein, to the department as soon as practicable after the vehicle is recovered. When a stolen motor vehicle has been reported to the department in compliance with this section and is later recovered, and for which a salvage certificate has been issued, the owner recorded on the salvage certificate shall assign that certificate to the purchaser. Any person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(c) If an insurance company acquires a motor vehicle in settlement of an insurance claim and holds the vehicle for resale and procures the certificate of origin or certificate of title from the owner or lienholder within 15 days after delivery of the vehicle to the

insurance company, and if the vehicle was not a total loss as defined by this section, the insurance company need not send the certificate of origin or certificate of title to the department but, upon transferring the vehicle to another person, other than by the creation of a security interest, the insurance company shall complete an affidavit of acquisition and disposition of the motor vehicle on a form prescribed by the department and deliver the certificate of origin or certificate of title, affidavit and any other documents required by the department to the transferee at the time of delivery of the motor vehicle.

“(d) For the purposes of this section, a total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to any person when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined in this subsection shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the motor vehicle.

“(e) It shall be unlawful for the owner of any junkyard, salvage yard, or motor vehicle dismantler and parts recycler or his agents or employees to have in their possession any motor vehicle which is junk or salvage or a total loss when the manufacturer's vehicle identification number plate(s), authorized replacement vehicle identification number plate(s), or serial plate(s) have been removed, unless previously required to be removed by a statute or law of this state or another jurisdiction. Any person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(f) It shall be unlawful for any person, firm or corporation to possess, sell or exchange, offer to sell or exchange, or to give away any certificate of origin, certificate of title, salvage certificate of title, manufacturer's identification number plate(s), authorized replacement vehicle identification number plate(s), serial plate(s), or motor vehicle license plate(s) of any motor vehicle which has been scrapped, dismantled or sold as junk or salvage or as a total loss contrary to the provisions of this section, and every officer, agent or employee of any person, firm or corporation, and every person who shall authorize, direct, aid in or consent to the possession, sale or exchange or offer to sell, exchange or give away such certificate of origin, certificate of title, salvage certificate of title, manufacturer's vehicle identification number plate(s), authorized replacement vehicle identification number plate(s), serial plate(s), or motor vehicle license plate(s) contrary to the provisions of this section, shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(g) The department is authorized to issue a salvage certificate of title for a fee of \$15.00, on a form prescribed by the department

which shall provide for assignments of this title. Such salvage certificate of title is to replace a certificate of origin or certificate of title required to be surrendered by this section. The department shall prescribe necessary forms and procedures to comply with the provisions of this subsection.

“(h) It shall be unlawful for any person to sign as assignor or for any person to have in his possession a salvage certificate of title which has been signed by the owner as assignor without the name of the assignee and other information called for on the form prescribed by the department. Any person who violates this subsection, upon conviction, shall be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(i) Every owner of a salvage or junk motor vehicle who sells or transfers said vehicle shall provide at the time of such sale or transfer a properly executed assignment and warranty of title to the transferee in the space provided therefor on the salvage certificate of title or junk certificate of title or as the department prescribes. Any person who willfully violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(j) The department may issue a certificate of title to any motor vehicle for which a salvage certificate has been issued by this or any other state, and such vehicle has, in this state, been completely restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, provided that all requirements of this section have been met. However, no certificate of title shall be issued for any motor vehicle for which a ‘junk’ certificate has been issued or for a vehicle which is sold ‘for parts only.’

“(k) Every owner of a salvage motor vehicle designated a 1975 year model and all models subsequent thereto which is in this state and which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall make application to the department for an inspection of the vehicle in the form and content as determined by the department. Each application for inspection of a salvage vehicle which has been so restored shall be accompanied by the following:

“(1) The outstanding salvage certificate or out-of-state title previously issued for the salvage vehicle.

“(2) Notarized bills of sale evidencing acquisition of all major component parts (listing the manufacturer’s vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer’s vehicle identification number) used to restore the vehicle.

“(3) The owner shall also provide a written affirmation which states the following:

“a. He rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue.

“b. He personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder.

“c. The identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered or defaced.

“d. The salvage certificate document or out-of-state title certificate attached to the application has not to the knowledge of the owner been forged, falsified, altered or counterfeited.

“e. All information contained on the application and its attachments is true and correct to the knowledge of the owner.

“(1) The application fee for each inspection of a restored vehicle shall be \$75.00, payable by certified funds to the department, which must accompany the application.

“(1) All such application fees received by the department shall be applied toward the personnel and maintenance costs of the vehicle inspection program and such vehicle inspection program shall be conducted by the Alabama department of revenue, office of investigations and inspections. Upon receipt of the application for inspection, application fee of \$75.00, its supporting documents, and title fee of \$15.00 (payable by certified funds to the department), the department shall require an inspection to be made of the title and the vehicle by qualified agents or law enforcement officers of the Alabama department of revenue.

“(2) The inspection and certification shall include an examination of the vehicle and its parts to determine that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, destroyed, or tampered with, that the vehicle information contained in the application for certificate of title and supporting documents is true and correct and that there are no indications that the vehicle or any of its parts are stolen. Such certification shall not attest to the roadworthiness or safety condition of the vehicle.

“(m) Component parts are defined as:

“(l) Passenger vehicles.

“a. Major components:

“1. Motor or engine.

“2. Transmission or trans-axle.

“3. Trunk floor pan or rear section and roof.

“4. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.

“5. Cowl, firewall, or any portion thereof.

“6. Roof assembly.

“b. Minor Components:

“1. Each door allowing entrance to or egress from the passenger compartment.

“2. Hood.

“3. Each front fender or each rear fender when used with a rear section and roof.

“4. Deck lid, tailgate or hatchback (whichever is present).

“5. Each quarter panel.

“6. Each bumper.

“7. T-tops, moon roof, or whichever is present.

“(2) Truck, trucktype or bus type vehicles.

“a. Major components:

“1. Motor or engine.

“2. Transmission or trans-axle.

“3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.

“4. Cab.

“5. Cowl or firewall or any portion thereof.

“6. Pickup box.

“7. Body or bed.

“8. Roof assembly.

“9. Cargo compartment floor panel or passenger compartment floor pan.

"b. Minor Components:

"1. Each door.

"2. Hood.

"3. Grill, except on one ton or smaller trucks.

"4. Each bumper.

"5. Each front fender.

"6. Roof panel and rear cab panel.

"7. Each rear fender or side panel.

"(3) Motorcycle—Component parts.

"a. Engine or motor.

"b. Transmission or trans-axle.

"c. Frame.

"d. Front fork.

"e. Crankcase.

"(n) A salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word 'rebuilt.' However, a passenger vehicle, truck-type or bus-type vehicle restored with a combination of no more than two major component parts, as defined above, and no more than four minor component parts, as defined above; or a combination of no more than six minor component parts, as defined above, shall be issued a certificate of title without 'rebuilt' appearing thereon. A motorcycle restored with less than two component parts, as defined above, shall be issued a certificate of title without 'rebuilt' appearing thereon."

Section 4. This act shall become effective upon the first day of the third month following the month of passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:20 P.M.

Act No. 88-731

H. 209—Reps. Johnson (RG) and Carothers

AN ACT

To amend section 32-6-17, Code of Alabama 1975, relating to driver's license fees, so as to increase the reinstatement fee, to make the fee applicable for each action

and to require the licensee, upon reinstatement, to obtain a duplicate license with a new photograph and current personal data to ensure that the records of the department of public safety are kept up-to-date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-17, Code of Alabama 1975, is hereby amended to read as follows:

“§32-6-17.

“Any person whose driving license has been cancelled, suspended, or revoked under the provisions of section 32-6-16 or any other provision of Alabama law by the director of public safety or by any court of competent jurisdiction shall, upon application for reinstatement of such driving license, pay to the director of public safety a fee of \$50.00 for each cancellation, suspension, or revocation action. An additional \$50.00 is imposed if the cancelled, suspended, or revoked license is not voluntarily surrendered within 30 days of a cancellation, suspension, or revocation notice. Upon receipt of the reinstatement fee, clearance for relicensing will be provided; the second and any subsequent clearance for relicensing for this action will be provided for a fee of \$5.00. Upon reinstatement the licensee is required to obtain a duplicate license with a new photograph and current personal data. Any sums collected by the director under the provisions of this section shall be deposited into the general fund of the state of Alabama and shall not be returned to the applicant for reinstatement of his license, notwithstanding what action the director may take on such person’s application for reinstatement of such driving license.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:21 P.M.

Act No. 88-732

H.J.R. 4—Rep. White (F)

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. THEODORE S. OWENS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, August 10, 1988, of Mr. and Mrs. Theodore S. Owens of Escambia County, Alabama; and

WHEREAS, in the sight of God, Theodore Sylvester Owens and Verta Hugh Timothy were joined in wedlock on August 10, 1938, in Pensacola, Florida, and these two fine people, forsaking all others, have remained in said holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. Owens, a native of Honoraville, Crenshaw County, Alabama, and Mrs. Owens, who was born in Uriah in Monroe County, have lived in the vicinity of Atmore throughout their marriage, and are the parents of a son, Douglas Timothy, and his wife, Faye; son, Roger Wayne, and his wife, Sandra; and the grandparents of Pam, Terry and Connie Owens, Debbie Owens Bennett and Sharilyn Owens Granade; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Escambia County, Alabama, Mr. and Mrs. Theodore S. Owens, and wish them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Owens that they may know of our congratulations and warm best wishes for the future.

Approved September 13, 1988

Time: 4:22 P.M.

Act No. 88-733

H. 10—Rep. White (L)

AN ACT

To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the petitioners for investigation services performed in certain independent cases involving adoption; and to require that said fees shall be deposited in the state treasury to the credit of state general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The state department of human resources shall charge a fee in the amount of \$1,000.00 which shall be assessed as costs, as directed by the court, against the petitioners for investigation services performed as required by law, by direction of the court or

upon agreement of the parties, in cases involving adoption, provided, however, that in those adoption proceedings in which an investigation is specifically not required by statute because the petitioner is a stepfather, stepmother or closely related relative, no fee shall be charged for investigation services. This fee shall not apply to investigation services for cases in which a child was placed for adoption by the state department of human resources or a licensed child placing agency.

Section 2. All investigation services fees received pursuant to this act shall be received by the state department of human resources and shall be deposited in the state treasury to the credit of the state general fund.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective 90 (ninety) days from passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:00 P.M.

Act No. 88-734

H. 11—Rep. White (L)

AN ACT

To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications, and to require that said fees shall be deposited in the state treasury to the credit of the state general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The state department of human resources shall charge a fee at an hourly rate of not less than \$20.00 nor more than \$35.00. The amount of such hourly rate shall be determined by the commissioner of the state department of human resources and duly adopted by the department as an administrative rule. The fee shall be assessed as costs, as directed by the court, against the parties for investigation services performed at the direction of the court or upon agreement of the parties, in cases involving divorce and divorce modification cases.

Section 2. All investigation services fees received pursuant to this act shall be received by the state department of human resources

and shall be deposited in the state treasury to the credit of the state general fund.

Section 3. Any individual that cannot afford to pay the fees provided for in Section 1 shall be exempted from said fees if that individuals income falls below the federal poverty line.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective 90 (ninety) days from passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:01 P.M.

Act No. 88-735

H. 19—Rep. Clark (J)

AN ACT

Relating to Barbour County, providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. In Barbour County, in addition to all other fees, there shall be taxed as costs the sum of \$3.00 in each civil or quasi-civil action at law other than traffic violation cases, each suit in equity, each criminal case, each quasi-criminal case, and proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in any inferior or municipal court of the county, in the circuit court of Barbour County, or the district court of Barbour County, hereinafter filed in or arising in the circuit court of Barbour County, or the district court of Barbour County, or brought by appeal, certiorari or otherwise, to the circuit court of Barbour County, or the district court of Barbour County. In addition to all other fees, there shall be taxed as costs the sum of \$2.50 for each traffic violation case. Said costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Barbour County as the case may be. Said fees, when collected by the clerks or other collection officer of such court, shall be paid into the Barbour County general fund to be used to fund expense allowances paid to the circuit judge, district attorney, district judge and circuit clerk serving Barbour County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:02 P.M.

Act No. 88-736

H. 20—Rep. Clark (J)

AN ACT

Relating to Barbour County, providing an expense allowance for the circuit judge, district attorney, district judge and circuit clerk, and to provide for the funding of said allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit judge serving Barbour County shall receive a three hundred dollar (\$300.00) per month expense allowance. The district attorney serving Barbour County shall receive a three hundred dollar (\$300.00) per month expense allowance. The district judge of Barbour County shall receive a two hundred and fifty dollar (\$250.00) per month expense allowance. The circuit clerk of Barbour County shall receive a two hundred dollar (\$200.00) per month expense allowance. Said expense allowance paid to each official shall be in addition to all other expense allowances, supplements, compensation, salary or other emoluments paid to said officers. Said expense allowance paid to each official shall be for in-county travel and travel related expenses. Said expense allowance shall be paid from the Barbour County general fund and shall be funded from revenues derived from certain costs levied pursuant to any Barbour County local law enacted during 1988.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:03 P.M.

Act No. 88-737

H. 29—Rep. Harper

AN ACT

To make a supplemental appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the EPSCoR program for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Commission on Higher Education for the EPSCoR program from the Alabama Special Educational Trust Fund the amount of one million dollars (\$1,000,000) for the fiscal year ending September 30, 1988.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:04 P.M.

Act No. 88-738

H. 32—Rep. Harper

AN ACT

To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the League for the Advancement of Education from the Alabama Special Educational

Trust Fund the amount of one hundred fifteen thousand dollars (\$115,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:05 P.M.

Act No. 88-739

H. 89—Rep. Faulk

AN ACT

Relating to Crenshaw County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Crenshaw County; repealing conflicting laws; and prescribing the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Crenshaw County before such date, then immediately upon the occurrence of such vacancy there shall be the office of county revenue commissioner in Crenshaw County. If such office is established upon the occurrence of a vacancy in either the office of tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he was elected tax assessor or tax collector, as the case may be. A revenue commissioner shall be elected at an election called for the purpose and every six years thereafter. He shall serve for a term of office of six years from the first day of the term next succeeding his election and until his successor is similarly elected, qualified and takes office.

Section 2. The county revenue commissioner shall do and perform all acts, duties and functions required by law to be performed

either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission or other like governing body of the county, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission or like governing body of the county, giving as securities thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The county commission or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for performance of the duties of his office, the Revenue Commissioner will receive a salary of \$35,000.00 per year, payable in twelve monthly installments.

Section 7. The offices of tax assessor and tax collector of Crenshaw County are hereby abolished effective on the first day of the term to which he is elected, or on such earlier date as is prescribed in Section 1 hereof if vacancy occurs in either the office of tax assessor or tax collector.

Section 8. It is the purpose of this act to conserve revenue and promote the public convenience in Crenshaw County by consolidating the offices of tax assessor and tax collector of such county into one county office.

Section 9. The provisions of this act shall become operative in Crenshaw County only if they are first approved by a majority of the qualified electors of said county who vote thereon in a special referendum election to be held in June of 1989 or at an earlier date at the next general, special or constitutional election held in Crenshaw County. Said election may be held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows:

"Shall Act No. _____ of the _____ Session of the Legislature (here insert the number of this act), which provides for the abolition of the offices of tax assessor and tax collector of Crenshaw County and the consolidation of the duties of these officers into the one office to be known as the county commissioner of revenue, be approved? Yes _____ No _____."

If a majority of the votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Crenshaw County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns have been certified. Provided, however, that at any constitutional election in the county held simultaneously with the election called for the purposes of this act shall be sufficient for the local election if the constitutional amendment authorizing the establishment of a consolidated and unified system of assessment and collection of taxes and abolishing the offices of tax assessor and tax collector is favorable in Crenshaw County.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:06 P.M.

Act No. 88-740

H. 91—Rep. Johnson (RW)

AN ACT

Relating to the City of Tuscaloosa, Tuscaloosa County, firefighters, so as to establish longevity pay in addition to compensation and the manner of such payments.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable only to certain firefighters employed by the City of Tuscaloosa, in Tuscaloosa County, Alabama, and is intended to establish a policy of longevity pay for firefighters employed by such city and to clarify that such payments shall be on-going and made in the same manner as are longevity payments for law enforcement officers in Tuscaloosa County.

Section 2. Each firefighter employed by the City of Tuscaloosa shall be entitled to and receive in a lump sum the first pay period of December each year no less than the sum of \$300 per annum after said employee has total service for a period of five years and shall receive said payment until the tenth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of \$400 per annum until the fifteenth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of \$500 per annum until the twentieth year of service at which time the payment shall be made in a like manner and at a like time but in the amount of \$600 as long as he remains in service.

Section 3. The above payments shall be in addition to all salaries or wages prescribed by the merit classification system and shall be in addition to any per diem allowances or expense allowances that may be in force at the time of payment. Said sum shall not be used in computing retirement or other benefits.

Section 4. The provisions of this act shall not be construed to obligate the City of Tuscaloosa further than those sums presently being paid for the purposes of Section 2 of this act, but shall be construed to continue such payments from year-to-year until repealed by the legislature.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:07 P.M.

Act No. 88-741

H. 92—Rep. Faulk

AN ACT

Relating to Crenshaw County; to provide for the election of the county superintendent and for the filling of unexpired terms of office resulting from vacancies; subject to the approval of a majority of the qualified electors of Crenshaw County voting thereon at a referendum election.

Be It Enacted by the Legislature of Alabama:

Section 1. The Superintendent of Education of Crenshaw County shall be elected by the qualified electors of Crenshaw County at the 1990 general election and every four years thereafter. He shall hold office for a term of four years from the July 1 next succeeding his election and until his successor is elected and qualified. Vacancies in the office of Superintendent of Education of Crenshaw County shall be filled for the unexpired term by appointment of the Board of Education.

Section 2. The Superintendent of Education of Crenshaw County shall possess all the qualifications prescribed for county superintendents of education by the general laws of the State.

Section 3. The provisions of this Act shall become operative only if approved by a majority of the electors of Crenshaw County voting in the referendum to be held on the same date as a referendum election is held in Crenshaw County on the question of whether or not a local act for Crenshaw County which combines the offices of Tax Assessor and Tax Collector into the newly created office of County Revenue Commissioner shall be adopted. The governing body of Crenshaw County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. _____, of the 1988 Special Session of the Legislature, which provides for the election of the county superintendent of education be adopted? Yes () No ()." If a majority of the votes cast at the election are "yes," the provisions of this Act

shall become effective immediately. If a majority are "no," the Act shall have no effect.

Approved September 13, 1988

Time: 3:08 P.M.

Act No. 88-742

H. 93—Rep. Johnson (RW)

AN ACT

Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, providing for an increase in the amount to be deducted from the salary of each fireman and policeman, increasing the amount to be paid into the fund out of the treasury of city by the governing body of the city and to change the requirements relating to the signing of warrants or checks for payment of amounts from the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 7 and 14 of Act No. 328, H. 854, 1959 Regular Session, as amended, are further amended to read as follows:

"Section 7. Composition of Fund.

"Said Firemen's and Policemen's Pension and Relief Fund shall be derived, obtained and created as follows: A. From the salary of each fireman and each policeman there shall be deducted, and paid into said fund, an amount equal to seven per centum of the amount of such salary. Provided that whenever a member of the fire or police department of such city is ineligible to participate in the benefits of such fund by reason of the provisions of this act, neither such ineligible member nor his salary nor other compensation shall be subject to any assessment for the benefit of such fund. B. Each fire insurance company, including mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's and Policemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in the city, during the preceding calendar year; and it shall be unlawful for any such fire insurance company or its agent, to take or receive any premium for insurance against fire within the city unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance

company violating any of the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating any of the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of One Thousand Dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of the city for the use of such fund. Each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, within the first ten days of each year, make and file a sworn statement, in writing, with the city clerk of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for, as agent or broker, during the preceding year; and any such person, firm or corporation conducting any such fire insurance agency or brokerage business in such city, violating the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of One Hundred Dollars to be recovered against such person, firm or corporation so violating such provisions, by suit brought in the name of such city for the use of such fund and all such forfeitures and penalties provided for herein, when collected, shall be and become a part of said Firemen's and Policemen's Pension and Relief Fund. Provided, however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums required by this paragraph of this section to be paid by fire insurance companies into said Firemen's and Policemen's Pension and Relief Fund shall be treated and held to be a part of the maximum a four percent on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any mutual corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in such municipality during such year under Section 739 of Title 37 of the Code of Alabama of 1940 as amended or as the same may be amended. C. All firemen and policemen shall promptly pay into such fund all witness fees in criminal cases, and in cases in which they have been summoned by the city, received by them from any court in the county in which such city is situated, and all moneys received by them or any of them as a reward or gratuity for the apprehension of any person, the furnishing of any evidence, the recovery or saving of any property, services at any fire, or otherwise received by them for similar service or for work in the line of his duty. D. There shall be paid into such fund, as and when received, all liquor seizure fees received by any policeman or to which he may be entitled and all amounts received by the city from the State Alcohol Beverage Control Board for confiscated liquors and beverages delivered to it as required by law.

E. The Board of Trustees may take by gift, devise or bequest, any money, personal property, real estate or any interest therein or any right of property; and any such gift, grant, devise or bequest may be absolute or in fee simple or upon condition that only rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created. F. The governing body of the city shall cause to be paid into such fund out of the treasury of such city, an amount equal to thirteen per centum of the salary of each member of such fire and police department who is eligible to participate in the benefits of such fund, such payment to be made to such fund as and when such salary becomes payable, and deduction therefrom is made as provided in this section.

"Section 14. Payments from the Fund.

"No warrant or check shall be drawn on such fund except by order of the Board of Trustees duly and regularly entered in the record of the proceedings of the Board. The depository of such fund shall not pay out any of such funds except: (1) On warrant or check signed by the Chairman of the Board and countersigned by the Secretary thereof, or (2) on warrant or check mechanically signed by the Chairman of the Board, mechanically countersigned by the Secretary thereof, and initialled by the Chairman of the Board, the Secretary or person designated in writing by either of them."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The amendments to Section 7 of the act shall become effective for the fiscal year of the city beginning October 1, 1988. The amendments to Section 14 of the act shall become effective immediately upon passage of the act, and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:09 P.M.

Act No. 88-743

H. 102—Reps. Johnson (RG) and Haynes

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Sylacauga in Talladega County are hereby altered,

rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Commence at the Northeast corner of the Northeast one-fourth of the Southwest one-fourth of Section 15, Township 21 South, Range 4 East, Talladega County, Alabama; thence proceed South 2 deg. 26 min. East along the East boundary of said quarter-quarter section for a distance of 213.4 feet; thence proceed South 69 deg. 20 min. West for a distance of 497.8 feet to a point on the Southerly boundary of the Herd Gap Road and the point of beginning. From this beginning point proceed South 8 deg. 06 min. East for a distance of 203.65 feet; thence proceed North 80 deg. 39 min. East for a distance of 85.0 feet; thence proceed North 8 deg. 06 min. West for a distance of 203.65 feet to a point on the Southerly boundary of the said road; thence proceed South 80 deg. 39 min. West along the Southerly boundary of said road for a distance of 85 feet to the point of beginning, all being in Talladega County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:10 P.M.

Act No. 88-744

H. 123—Rep. Adams

AN ACT

To authorize the county commission of Russell County, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Russell County, on all taxable property situated within said county, an ad valorem tax for public buildings, bridges or roads by an amount which shall not exceed, for any tax year of said county, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Russell County is presently authorized by applicable provisions of the Constitution of Alabama of 1901 to levy and collect an ad valorem tax for public buildings, bridges or roads (herein called the "Special Tax") at a rate of \$.40 on each one hundred dollars (4 mills on each dollar) of assessed value. Pursuant to a resolution adopted by the county

commission in accordance with the provisions of Amendment No. 373 to the Constitution of Alabama of 1901, the county commission is authorized to increase the rate at which the special tax is levied by an amount which shall not exceed, for any tax year of the county, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value.

Section 2. Pursuant to subsection (f) of Amendment No. 373 to the Constitution of Alabama of 1901 and a resolution heretofore adopted by the county commission after a public hearing, the county commission is hereby authorized to increase the rate at which the special tax is levied and collected by an amount which shall not exceed, for any tax year, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value.

Section 3. The limitation on the maximum rate of the special tax contained in the preceding Section 2 of this act, shall not be construed to prohibit a subsequent increase in the rate at which the special tax may be levied pursuant to the provisions of subsection (f) of Amendment No. 373 to the Constitution of Alabama of 1901 or any subsequent amendment to the Constitution authorizing an increase in the rate at which the special tax or ad valorem taxes in general are authorized to be levied.

Section 4. The increase in the rate at which the special tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing within the county who vote on the proposed increase at an election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373 to the Constitution of Alabama of 1901.

Section 5. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Russell County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next election in the county next following final passage of this act. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law authorizing the county commission to increase ad valorem taxes for public buildings, roads and bridges? Yes () No ().” If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Russell County shall certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:11 P.M.

Act No. 88-745

H. 127—Rep. Holley

AN ACT

Relating to Coffee County, to provide for the salary of the Probate Judge, the Revenue Commissioner and the Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. At the beginning of the next term of office, the Probate Judge of Coffee County shall receive an annual salary of \$40,000 per year. Said salary shall constitute the total compensation payable to the Probate Judge, and shall be in lieu of any salary, expense allowance or other compensation heretofore provided by law. The Probate Judge shall be paid from the same funds and in the same manner as presently provided.

Section 2. At the beginning of the next term of office, the Revenue Commissioner of Coffee County shall receive an annual salary of \$40,000 per year. Said salary shall constitute the total compensation payable to the Revenue Commissioner, and shall be in lieu of any salary, expense allowance or other compensation heretofore provided by law. The Revenue Commissioner shall be paid from the same funds and in the same manner as presently provided.

Section 3. At the beginning of the next term of office, the Sheriff of Coffee County shall receive an annual salary of \$40,000 per year. Said salary shall constitute the total compensation payable to the Sheriff, and shall be in lieu of any salary, expense allowance or other compensation heretofore provided by law. The Sheriff shall be paid from the same funds and in the same manner as presently provided.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:12 P.M.

Act No. 88-746

H. 129—Rep. Holley

AN ACT

Relating to Coffee County, to designate the bridge over White Water Creek on Highway 167 the Clowers Bridge and to provide for the preparation and erection of signs.

Be It Enacted by the Legislature of Alabama:

Section 1. The bridge over White Water Creek on Highway 167 in Coffee County is hereby officially designated "The Clowers Bridge."

Section 2. The Coffee County Commission is authorized to accept funds from private sources to pay for the preparation and erection of signs designating the bridge. The county commission is also authorized to pay said funds to the State Highway Department as compensation for the cost of preparing and erecting said signs as provided in Section 23-1-8.1, Code of Alabama 1975.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:13 P.M.

Act No. 88-747

H. 182—Reps. Penry and McMillan

AN ACT

Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Fairhope in Baldwin County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

I

Beginning at a point on the South Right of Way of Baldwin County Highway No. 32 which is 1832 feet, more or less, West of the Northeast Corner of Section 4, Township 7 South, Range 2 East, and which point is 300 feet, measured at right angles, from the extended Centerline of Runway 1/19 at Fairhope Municipal Airport, run thence S 09°23'W and parallel to said Runway Centerline 4239 feet, more or less, to a point which is 220 feet South of the North Line of the Southwest Quarter of the Southeast Quarter of the aforesaid Section 4; thence run East and parallel to said North Line of the Southwest Quarter of the Southeast Quarter 523 feet, more or less, to a point on the East Line of the West One-Half of the Southwest Quarter of the Southeast Quarter of Section 4; thence run South along said East Line of the West One-Half 1114 feet, more or less, to a point on the North Line of Section 9, Township 7 South, Range 2 East; thence run South along the East Line of the West One-Half of the Northwest Quarter of the Northeast Quarter of said Section 9 a distance of 1328 feet, more or less, to a point on the South Line of the Northwest Quarter of the Northeast Quarter of the aforesaid Section 9, thence run West along said South Line 665 feet, more or less, to the Northeast Corner of the Southeast Quarter of the Northwest Quarter of the aforesaid Section 9; thence run South along the East Line of said Southeast Quarter of the Northwest Quarter 1297 feet, more or less, to a point on the North Right of Way of a county maintained farm to market road; thence run West along said North Right of Way 1331 feet, more or less, to the West Line of the aforesaid Southeast Quarter of the Northwest Quarter; thence run North along said West Line 1297 feet, more or less, to the North Line of the aforesaid Southeast Quarter of the Northwest Quarter; thence run East along said North Line 416 feet, more or less, to a point which is 350 feet, measured at right angles, from the Centerline of Runway 1/19 at Fairhope Municipal Airport; thence run N 09°23'E, and parallel to said Runway Centerline 2517 feet, more or less, to a point which is directly opposite Runway Centerline Station 42+50; thence run S 80°37'E, 50.0 feet; thence run N 09°23'E, 925.0 feet; thence run N 80°37'W, 300.0 feet; thence run N 21°50'W, 803.1 feet; thence run N 09°23'E, 1338.2 feet; thence run S 80°37'E, 466.25 feet; thence run N 09°23'E, 300.0 feet; thence run N 48°02'E, 320.2 feet; thence run N 09°23'E, 692.2 feet to a

point on the South Right of Way of Baldwin County Highway No. 32; thence run East along said Right of Way 659 feet to the Point of Beginning.

In all containing 209 acres, more or less, and being situated in Section 4 and in Section 9 of Township 7 South, Range 2 East in the County of Baldwin, State of Alabama, and commonly referred to as the Fairhope Municipal Airport.

Parcels B, C and D described as follows in Real Property Book 284, pages 1809, 1810, 1811, 1812 and 1813, Records of the Judge of Probate, Baldwin County, Alabama: Subject to any reservations or exceptions as may be stated herein, unto said Grantee all that certain real property in Baldwin County, Alabama, described as follows, to-wit:

PARCEL B

Beginning at the Southeast corner of Section 23, Township 6 South, Range 2 East, Baldwin County, Alabama, at an iron pin; thence run North $00^{\circ}05'05''$ East along the East boundary of said Section 23, Township 6 South, Range 2 East, a distance of 210 feet to the POINT OF BEGINNING; thence continue North $00^{\circ}05'05''$ East along the East boundary of said Section 23, a distance of 675.11 feet to an iron pin; thence run South $89^{\circ}55'45''$ West, a distance of 119.84 feet to an iron pin; thence run North $33^{\circ}35'15''$ West, a distance of 1,000 feet to an iron pin; thence run North $14^{\circ}26'15''$ West, a distance of 212.65 feet to an iron pin; thence run North $23^{\circ}24'45''$ East, a distance of 380 feet to an iron pin; thence run North $00^{\circ}05'15''$ West, a distance of 360.26 feet to an iron pin; thence run North $38^{\circ}36'30''$ West, a distance of 783.40 feet to an iron pin; thence run North $87^{\circ}15'34''$ West, a distance of 411.86 feet to an iron pin; thence run South $35^{\circ}34'15''$ East, a distance of 85.89 feet to an iron pin; thence run South $00^{\circ}04'31''$ West, a distance of 110.18 feet to an iron pin; thence run North $89^{\circ}56'30''$ West, a distance of 549.75 feet to an iron pin; thence run South $00^{\circ}04'45''$ West, a distance of 60 feet to an iron pin; thence run North $89^{\circ}55'15''$ West, a distance of 60 feet to an iron pin; thence run North $00^{\circ}04'45''$ East, a distance of 310 feet to an iron pin; thence run North $27^{\circ}30'45''$ West, a distance of 437.04 feet to an iron pin; thence run North $54^{\circ}23'$ West, a distance of 575 feet to an iron pin; thence run North $44^{\circ}55'15''$ West, a distance of 595 feet to an iron pin; thence run North $89^{\circ}55'15''$ West, a distance of 10 feet; thence run South $00^{\circ}04'45''$ West, a distance of 435 feet to an iron pin; thence run South $45^{\circ}31'54''$ East, a distance of 913.44 feet to an iron pin; thence run South $44^{\circ}55'15''$ East, a distance of 535 feet to an iron pin; thence run South $89^{\circ}55'15''$ East, a distance of 130 feet to an iron pin; thence run South $15^{\circ}43'29''$ East, a distance of 311.85 feet to

an iron pin; thence run South $89^{\circ}56'$ East, a distance of 500 feet to an iron pin; thence run South $03^{\circ}42'56''$ West, a distance of 800.63 feet to an iron pin; thence run South $70^{\circ}54'$ West, a distance of 460 feet to an iron pin; thence run South $19^{\circ}06'$ East, a distance of 400 feet to an iron pin; thence run North $70^{\circ}54'$ East, a distance of 400 feet to an iron pin; thence run North $70^{\circ}54''$ East, a distance of 525 feet to an iron pin; thence run South $32^{\circ}52'15''$ East, a distance of 757.53 feet to an iron pin; thence run South $40^{\circ}34'19''$ East, a distance of 951.04 feet; thence run South $89^{\circ}55'15''$ East, a distance of 220 feet to the POINT OF BEGINNING. Said parcel of land contains 66.45 acres, more or less, plus a 20-foot path easement as shown on attached Exhibit "F".

PARCEL C

Beginning at the Northeast corner of Section 23, Township 6 South, Range 2 East, Baldwin County, Alabama; run North $89^{\circ}59'45''$ West along the North Boundary of said Section 23, Township 6 South, Range 2 East, a distance of 3578.46 feet; thence run South $00^{\circ}41'15''$ West, a distance of 327.44 feet to an iron pin, the POINT OF BEGINNING; thence run North $89^{\circ}24'47''$ West, a distance of 429.55 feet to an iron pin; thence run South $00^{\circ}01'55''$ East, a distance of 438.62 feet to an iron pin; thence run North $89^{\circ}49'34''$ West, a distance of 735.6 feet to an iron pin; thence run North $00^{\circ}06'$ East, a distance of 81.8 feet; thence run North $89^{\circ}57''$ West, a distance of 575 feet to a concrete monument on the East right-of-way line of Baldwin County Road #27 (Belforest Road); thence run South $00^{\circ}06'$ West along the East right-of-way line of County Road #27, a distance of 150 feet to a concrete monument; thence run South $89^{\circ}55'15''$ East, a distance of 1671.6 feet to an iron pin; thence run South $00^{\circ}21'45''$ East, a distance of 613.95 feet to an iron pin; thence run South $45^{\circ}55'15''$ East, a distance of 1145 feet to an iron pin; thence run North $44^{\circ}34'45''$ East, a distance of 470 feet to an iron pin; thence run North $45^{\circ}31'54''$ West, a distance of 913.44 feet to an iron pin; thence run North $00^{\circ}04'45''$ East, a distance of 435 feet to an iron pin; thence run North $89^{\circ}55'15''$ West, a distance of 445 feet to an iron pin; thence run North $00^{\circ}04'45''$ East, a distance of 68.2 feet to an iron pin; thence run South $89^{\circ}55'15''$ East, a distance of 445 feet to an iron pin; thence run North $00^{\circ}04'45''$ East, a distance of 320 feet to an iron pin; thence run North $89^{\circ}55'15''$ West, a distance of 437.54 feet to an iron pin; thence run North $00^{\circ}41'15''$ East, a distance of 114.82 feet to the POINT OF BEGINNING. Said parcel of land contains 28.55 acres, more or less, as shown on attached Exhibit "F".

PARCEL D

Beginning at the Southeast corner of Section 23, Township 6 South, Range 2 East, Baldwin County, Alabama, at an iron pin, the

POINT OF BEGINNING; thence run North 00°05'05" East along the East boundary of said Section 23, Township 6 South, Range 2 East, a distance of 210 feet; thence run North 89°55'15" West, a distance of 220 feet; thence run North 40°34'19" West, a distance of 951.04 feet to an iron pin; thence run South 88°33'15" West, a distance of 792.56 feet to an iron pin; thence run South 00°04'45" West, a distance of 255 feet to an iron pin; thence run South 89°55'15" East, a distance of 670 feet to an iron pin; thence run South 37°05'13" East, a distance of 555.31 feet to an iron pin; thence run South 89°50'30" West, a distance of 1840.50 feet to an iron pin; thence run North 00°04'45" East a distance of 450 feet to an iron pin; thence run South 89°55'15" East, a distance of 775 feet to an iron pin; thence run North 00°04'45" East, a distance of 255 feet to an iron pin; thence run North 89°55'15" West, a distance of 617.71 feet to an iron pin; thence run North 00°04'45" East, a distance of 1540 feet to an iron pin; thence run North 89°55'15" West, a distance of 161.87 feet; thence run Westerly along a curve to the left, having a radius of 470 feet, a distance of 164.06 feet; thence run South 70°04'45" West, a distance of 68.03 feet to an iron pin; thence run North 44°55'15" West, a distance of 66.20 feet to an iron pin; thence run North 70°04'45" East, a distance of 96.02 feet; thence run Easterly along a curve to the right, having a radius of 530 feet, a distance of 185.00 feet; thence run South 89°55'15" East, a distance of 112.40 feet to an iron pin; thence run North 39°25'15" West, a distance of 720 feet to an iron pin; thence run North 45°55'15" West, a distance of 1065 feet to an iron pin; thence run South 00°04'45" West, a distance of 745 feet to an iron pin; thence run South 89°55'15" East, a distance of 235 feet to an iron pin; thence run South 44°55'15" East, a distance of 955 feet to an iron pin; thence run South 01°19'34" West, a distance of 383.87 feet to a fence corner post; thence run South 00°18'23" East along a fence line, a distance of 2,004.21 feet to a point on the South boundary of said Section 23, Township 6 South, Range 2 East; thence run South 89°58'27" East along the South boundary of Section 23, Township 6 South, Range 2 East, a distance of 2670.94 feet to the POINT OF BEGINNING. Said parcel of land contains 56.45 acres, more or less, plus a 20-foot path easement as shown on attached Exhibit "F".

Subject to all easements, setback line requirements, reservations and restrictions which are of public record in the Office of the Probate Judge of Baldwin County, Alabama, to any present encroachments thereon, if any, and to the lien of real property taxes hereinafter falling due.

SUBJECT FURTHER TO:

Reservation by prior owners of 1/2 interest in and to all oil, gas, and other minerals, except any and all sand and gravel situated

in, on or under the subject parcels, and the further reservation by prior owner of an undivided $\frac{1}{6}$ interest in and to all oil, gas and other minerals and rights of ingress and egress thereto.

Restrictive covenants relating to the use and occupancy of the property described above as contained in deed from Lemoyne Homes, Inc., to Art M. Chavers dated July 19, 1957, and recorded in Deed Book 258, Page 137, Probate Records, Baldwin County, Alabama.

Line clearing and guy wire permits immediately South of and adjacent to the South boundary line of Section 23, Township 6 South, Range 2 East, granting right to keep cleared a 30-foot wide strip extending West from the Southeast corner of said section to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section; said permits granted by Leroy C. Cleverdon and Frances S. Cleverdon to Alabama Power Company, a corporation, dated September 1, 1970, and recorded in Deed Book 406 N.S., Page 755, Probate Records, Baldwin County, Alabama.

This conveyance is subject to the following restrictions which run with the land: No part of the property conveyed to Grantee shall be used for any kind of garbage, trash or other dump site, industrial or other noxious use.

Reserve from said real property for Grantors, their heirs, executors, administrators and assigns an undivided $\frac{1}{2}$ of an undivided $\frac{2}{3}$ of an undivided $\frac{1}{2}$ of all oil, gas and other minerals, except sand and gravel, in, on, or under the described property, together with all rights incidental thereto, but covenant with Grantee that any lease of their interest in said lands for exploration and/or production will contain a non-disturbance clause or provisions as to the interest in said lands.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as herein otherwise prescribed.

Approved September 13, 1988

Time: 3:14 P.M.

Act No. 88-748

H. 189—Reps. Haynes and Johnson (RG)

AN ACT

Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Be It Enacted by the Legislature of Alabama:

Section 1. In Talladega County, all persons or companies, to be eligible to bid on asphalt plant mix to be sold to the county commission or county government, or any municipal government located within the county shall have the asphalt plants inspected and certified by the highway department. Such inspection and certification shall be made by the bureau of materials and tests and shall include the scale checks and certifications, and bonded weighmasters certificates, and shall include a statement that the plant meets the requirements set forth in the current edition of the state of Alabama highway department standard specifications for highways and bridges and any supplements thereto.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:15 P.M.

Act No. 88-749

H. 242—Rep. Hammett

AN ACT

To alter or rearrange the boundary lines of the City of Andalusia, Covington County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Andalusia, Covington County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Andalusia and in addition thereto the following described territory, to wit:

All of the Northwest Quarter of Section 22, Township 4 North, Range 16 East containing 160 acres, more or less. This property situated, lying and being in Covington County, Alabama.

Section 2. A map showing the territory to be annexed into the City of Andalusia is on file in the office of the Judge of Probate in the Covington County Courthouse in Andalusia, Alabama. The map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:16 P.M.

Act No. 88-750

H. 243—Rep. Hammett

AN ACT

Relating to Covington County; providing for the collection of municipal and/or county vehicle use tax on vehicles purchased from out-of-state dealers or Alabama dealers who failed to collect municipal and/or county sales taxes at the time of sale; and providing for the disposition of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. The Covington County tax collector or county tax collecting official shall collect any applicable municipal and/or county use tax authorized by general or local law for the local taxing jurisdiction in which the purchaser resides, or, if a business, the business location, on any automotive vehicle, truck trailer, trailer, semitrailer, travel trailer or house trailer purchased from dealers doing business outside the State of Alabama and from licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase.

Section 2. Any law to the contrary notwithstanding, the county tax collector or county tax collecting official shall remit all county and municipal use tax receipts collected hereunder directly to the appropriate county or municipal tax recipient as otherwise provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:17 P.M.

Act No. 88-751

H. 269—Rep. Johnson (RG) and Haynes

AN ACT

Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Talladega County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed or typewritten mailing address of the grantee within the body of the instrument.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:18 P.M.

Act No. 88-752

H. 281—Reps. Williams and Flowers

AN ACT

Relating to Dale County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Dale County; repealing conflicting laws; and prescribing the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Dale County before such date, then immediately upon the occurrence of such vacancy there shall be the office of county revenue commissioner in Dale County. If such office is established upon the occurrence of a vacancy in either the office of tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he was elected tax assessor or tax collector, as the case may be. A revenue commissioner shall

be elected at an election called for the purpose and every six years thereafter. He shall serve for a term of office of six years from the first day of the term next succeeding his election and until his successor is similarly elected, qualified and takes office.

Section 2. The county revenue commissioner shall do and perform all acts, duties and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission or other like governing body of the county, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission or like governing body of the county, giving as securities thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The county commission or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for performance of the duties of his office, the Revenue Commissioner will receive a salary of \$40,000.00 per year, payable in twelve monthly installments.

Section 7. The offices of tax assessor and tax collector of Dale County are hereby abolished effective on the first day of the term

to which he is elected, or on such earlier date as is prescribed in Section 1 hereof if vacancy occurs in either the office of tax assessor or tax collector.

Section 8. It is the purpose of this act to conserve revenue and promote the public convenience in Dale County by consolidating the offices of tax assessor and tax collector of such county into one county office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:19 P.M.

Act No. 88-753

H.J.R. 86—Reps. Zoghby and Marietta

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ANNA LOUISE MORRISS STAPLES OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mrs. Anna Louise Morriss Staples of Mobile, Alabama, on August 4, 1988, at the age of 103 years; and

WHEREAS, born October 18, 1884, Anna Louise Morriss was the only child of Thomas Bragg and Emma Hearin Morriss and was the granddaughter of a prominent Mobile businessman and social leader in the 19th century, Major William J. Hearin; and

WHEREAS, Mrs. Staples, who spent her youth in Mobile and at her family's home in Suggsville near her father's Clarke County plantation, was educated at Judson College and Fairmont Seminary in Washington, and made her debut, serving as a maid in the Mobile Mardi Gras Court of Queen Adelaide St. John, in 1907; and

WHEREAS, in 1908, Miss Morriss became the bride of a prominent young businessman and Mississippi native, Alfred Lewis Staples;

the young couple then moved to Scranton, now Pascagoula, Mississippi, for a period of two years before returning permanently to Mobile; and

WHEREAS, in the death of Anna Louise Morriss Staples, the community has suffered the loss of a truly lovely lady and a former, longtime supporter of numerous civic and charitable affairs in her native Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Anna Louise Morriss Staples of Mobile, Alabama, and extend our very deepest sympathy to her beloved daughter, Mrs. Emily Staples Hearin; to her four loving grandchildren; and other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and incon-solable loss.

Approved September 13, 1988

Time 3:20 P.M.

Act No. 88-754

H.J.R. 87—Rep. McDowell

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES E. MOORE, JR., OF BESSEMER, ALABAMA.

WHEREAS, in sentiment of deep sorrow, the Alabama Legislature records the lamentable death of James E. Moore, Jr., of Bessemer, Alabama, on July 5, 1988; and

WHEREAS, a United States Army veteran of World War II, Mr. Moore also was a prominent and highly successful businessman, and was a distinguished community leader who long and well served his fellow citizens in Bessemer and throughout all of Jefferson County; and

WHEREAS, Mr. Moore, a faithful member and Deacon at First Baptist Church, further served on the Salvation Army Advisory Board, the Chamber of Commerce Board and the American Red Cross Board, and was a member of the Jonesboro Civitan Club, Fraternal Order of Police and the Elks Lodge; and

WHEREAS, in gratitude for his commitment to the concerns and needs of the community, Mr. Moore was named 1977 Citizen of the Year by the YMCA, which also named the Jim Moore Gymnasium in his honor, and he was the recipient of the prestigious

Charles A. Long Award as Bessemer's Outstanding Citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of James E. Moore, Jr., of Bessemer, Alabama, and do further direct that a copy of this resolution be forwarded to his wife, Mrs. Mary Burks Moore; to his daughters, Mrs. Randy (Judy) Mathis and Mrs. Rick (Kerry) Burrows; and to his sons, James E. Moore III and Jack Letson Moore, that they and other family members may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

Approved September 13, 1988

Time: 3:21 P.M.

Act No. 88-755

H.J.R. 88—Rep. Mathis

HOUSE JOINT RESOLUTION

NAMING THE BRIDGE ON STATE HIGHWAY 52, BETWEEN THE CITIES OF SLOCOMB AND HARTFORD, AND CROSSING HURRICANE CREEK, IN MEMORY AND HONOR OF JESSIE THOMPSON FONDREN, JR.

WHEREAS, Jessie Thompson Fondren, Jr., the son of Jessie Thompson and Martha Catherine Blount Fondren, was born September 22, 1918, in Geneva County, Alabama, where he lived until his death on August 12, 1986, at the age of 67 years; and

WHEREAS, "Junior" Fondren, as he was widely and affectionately known, was married on December 3, 1938, to the former Sybil Hautence Holley and they were the parents of four children: Sarah Fondren Hughes, now deceased, and Virginia Fondren Johnson, Lillian Fondren and Bobby Gene Fondren; and

WHEREAS, a prominent area farmer and an avid hunter and fisherman, Mr. Fondren owned and farmed the land that his maternal grandmother, Martha Galloway Fondren, homesteaded many years ago; and

WHEREAS, Mr. Junior Fondren was indeed a beloved member of his community and throughout Geneva County, and it is desirable that his life and service be commemorated in appropriate and lasting tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of the late Jessie Thompson Fondren, Jr., of Geneva County, Alabama, we hereby name and designate the bridge on Alabama Highway 52, between the Cities of Hartford and Slocomb and crossing Hurricane Creek, the "Junior Fondren Bridge."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said bridge the "Junior Fondren Bridge."

RESOLVED FURTHER, That a copy of this resolution be forwarded to the family of Jessie Thompson Fondren, Jr., that they may know of this honorary designation of the Alabama Legislature.

Approved September 13, 1988

Time: 3:22 P.M.

Act No. 88-756

H.J.R. 85—Rep. Harvey

HOUSE JOINT RESOLUTION

COMMENDING THE ONEONTA HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON THEIR OUTSTANDING 1988 SEASON.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Oneonta High School Girls' Volleyball Team on their outstanding 988 season; and

WHEREAS, under the leadership of Coach Sharon Standridge, the talented ladies from Oneonta High School finished the season with a phenomenal 21-7 overall record, while capturing the County and Area Championships, winning in Sub-State competition and finishing eighth in the State; and

WHEREAS, the Oneonta girls bringing great honor to their school and the community are Deidre Bellenger, Jennifer, Gowers and Dawn Griffen who were named All County; Melanie Webster who was All County, All Area and Area MVP; Stacey Rice named All County, County MVP and All Area; Jodie Wilson, also named All Area; along with teammates Shannon Mixon, Christy Phillips, Mindy Webster and Jennifer Kalanick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach

Sharon Standridge and the 1988 Oneonta High School Girls' Volleyball team, and do further direct that copies of this resolution be provided for appropriate presentation and display at Oneonta High School.

Approved September 13, 1988

Time: 3:23 P.M.

Act No. 88-757

S.J.R. 16—Senators Dial, Ellis, Bedford,
Cabaniss, Dixon, Barron,
Rice, Amari and Hale

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA SYMPHONY ORCHESTRA.

WHEREAS, the Alabama Symphony Orchestra is the official orchestra of the State of Alabama; and

WHEREAS, the Alabama Symphony Orchestra, under the dynamic direction of Maestro Paul Polivnick, has performed throughout the state in recent years, playing before thousands of Alabamians in towns, large and small, where it has achieved acclaim for its superb playing of the finest of classical and "pops" music; and

WHEREAS, The Alabama Symphony Orchestra is gaining a national reputation as one of America's most outstanding regional orchestras; and

WHEREAS, Alabama's official symphony orchestra will perform October 2, 1988, at the Kennedy Center in Washington, D. C.—a signal honor for any symphony orchestra and the first such distinction for the Alabama Smphony Orchestra—where members of the state's Congressional Delegation and others will host ASO musicians, staff and patrons; and

WHEREAS, the visibility attendant upon the honor of playing at the Kennedy Center will inure to the benefit of the state's economic development efforts by demonstrating the quality of one of Alabama's most important cultural assets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Symphony Orchestra, the state's official orchestra, be and hereby is commended for its remarkable record of success, which has led to the honor of playing in the nation's capital, and that best wishes be extended to its members and Maestro Paul Polivnick, as well as to

its staff and patrons, as they journey north to Washington, D. C., for the October 2 performance.

BE IT FURTHER RESOLVED, That copies of this resolution be presented in appropriate ceremonies to Maestro Paul Polivnick and members of the Alabama Symphony Orchestra, as well as to members of the ASO Board of Directors, presently being chaired by Birmingham businessman Bill Edmonds.

Approved September 13, 1988

Time: 3:24 P.M.

Act No. 88-758

S.J.R. 15—Senators Dial, Bennett, Amari,
Cabaniss, Hilliard, Horn,
Parsons and Bedford

SENATE JOINT RESOLUTION

NAMING "FORT S. RALPH TERHUNE," ALABAMA ARMY
NATIONAL GUARD ARMORY IN BIRMINGHAM, ALABAMA.

WHEREAS, Samuel Ralph Terhune is a prominent Birmingham area physician who is retired after 40 years in the active practice of orthopedic surgery, and otherwise greatly contributed to the medical field as Assistant Professor of Orthopedic Surgery at the University of Alabama School of Medicine; as Director of the Cerebral Palsy Aid Association of Alabama; and as founder of the first "Bone Bank" in the State of Alabama; and

WHEREAS, Dr. S. Ralph Terhune, also a distinguished military veteran of World War II, was a member of the U. S. Army Reserve and was the driving force behind the activation of the 109th Evacuation Hospital as a unit of the Alabama Army National Guard in Birmingham; and

WHEREAS, he further served as Commander of the 109th Evacuation Hospital from the time of its activation as the first National Guard hospital unit in the United States until his retirement in 1967, at which time he was appointed a Brigadier General, State Militia, State of Alabama; and

WHEREAS, the home armory of the 109th Evacuation Hospital, along with the 550th and the 650th Dental Detachments, is located at 5300 57th Street North in Birmingham, Alabama, and it is the desire of the members of these three units that this Armory be named in honor of Doctor/Brigadier General S. Ralph Terhune, the "Father of the 109th" and a great servant of the medical profession,

the Guard, his community and the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to Samuel Ralph Terhune, we hereby name and designate the Alabama National Guard Armory at 5300 57th Street North, Birmingham, Alabama, as "Fort S. Ralph Terhune," and do further authorize the proper officials to erect and maintain appropriate signs and markers so designating said Armory.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Terhune as a memento of this honorary designation of the Alabama Legislature.

Approved September 13, 1988

Time: 3:25 P.M.

Act No. 88-759

S.J.R. 14—Senator Dial

SENATE JOINT RESOLUTION

NAMING THE BASEBALL FIELD AT CLEBURNE COUNTY HIGH SCHOOL IN HEFLIN, ALABAMA, IN HONOR OF ROBERT LUTHER MORTON.

WHEREAS, Robert Luther Morton, a native of Marshall County, Alabama, and a graduate of Jacksonville State University, is a highly decorated combat veteran with two Bronze Stars awarded for meritorious action with the United States Airborne Infantry in Vietnam; and

WHEREAS, in June 1969, following his military service, Mr. Morton embarked upon a career in the educational field as a teacher-coach at Cleburne County High School; and

WHEREAS, he became principal in August 1971, to serve in this capacity for the next 17 years, the longest tenure of any principal at CCHS; and

WHEREAS, Robert L. Morton, who has now been named Assistant Superintendent of Education and Chapter I Coordinator, served the community as a member of the City Council from 1976 until 1980; during which term he was instrumental in obtaining municipal support for a local recreational program that has grown dramatically since that time; and

WHEREAS, Mr. Morton, who played baseball for Jacksonville State, also is credited with organizing little league baseball in the community, as well as other organized sports for area youth; and

WHEREAS, in recognition of Robert Morton's numerous contributions to the community and his outstanding service during the past 17 years of progress for Cleburne County High School, it is highly desirable that his name be perpetuated in an appropriate fashion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the baseball field at Cleburne County High School in Heflin, Alabama, as the "Robert L. Morton Baseball Field."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said baseball field, and that copies of this resolution be forwarded to the Cleburne County Board of Education and to Mr. Robert L. Morton.

Approved September 13, 1988

Time: 3:26 P.M.

Act No. 88-760

S.J.R. 13—Senators Hand and Goodwin

SENATE JOINT RESOLUTION

COMMENDING THOMAS B. NORTON OF GULF SHORES, ALABAMA, FOR OUTSTANDING PROFESSIONAL SERVICE AND MUNICIPAL LEADERSHIP.

WHEREAS, a native of Sulligent and currently of Gulf Shores, Alabama, Thomas B. Norton holds an undergraduate degree from the University of Alabama, his medical degree from the University of Tennessee, and received additional postgraduate training at Hillman Hospital in Birmingham; and

WHEREAS, before moving to Gulf Shores in 1971, Dr. Norton and his family resided in York, Alabama, where he practiced as a general surgeon and obstetrician, served as hospital administrator and was a member of the York City Council for eleven years; and

WHEREAS, in Gulf Shores, Dr. Norton practiced medicine on a part-time basis, foregoing surgery and obstetrics, until retiring in 1985 after 42 years; and

WHEREAS, persuaded to run for a seat on the Gulf Shores City Council, Dr. Norton was elected to said office in 1972 and again in

1976; in 1980, he was elected Mayor of Gulf Shores and is now in his second term and is completing eight consecutive years of positive municipal leadership; and

WHEREAS, during Mayor Norton's distinguished tenure, and among other of his accomplishments, a new police station, civic center and fire station have been completed; currently under construction is an adult activity center and a new library, funded in part by the Alabama Public Library Service, that is to be named in honor of Dr. Norton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his distinguished medical career and in grateful acknowledgement of outstanding municipal leadership for some 27 years, we hereby commend Thomas B. Norton of Gulf Shores, Alabama, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

Approved September 13, 1988

Time: 3:27 P.M.

Act No. 88-761

S.J.R. 12—Senators Bedsole, Langford, Mitchem, Dixon, Drinkard, Cabaniss, Hilliard, Bennett, Dial, Amari, Goodwin, Smith (J), Figures, Menton, Bedford, Hand, Hale, Holmes, deGraffenried, Foshee, Campbell, Covington, Rice, Denton, Parsons, Ellis, Horn, Barron and Bailey

SENATE JOINT RESOLUTION

COMMENDING FORMER STATE REPRESENTATIVE GARY COOPER OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama, in great personal pride, notes the bestowal of the Legion of Merit upon our friend and former colleague, Gary Cooper of Mobile; and

WHEREAS, Gary Cooper, a Marine Reservist, recently selected for major general; received the award for exceptional meritorious service and demonstrated leadership during his command of the 4th Force Service Support Group; and

WHEREAS, General Cooper, who is a Vietnam veteran and the first black officer ever to lead an infantry company into combat, was discharged from active duty in 1969, having earned a Bronze Star, two Purple Hearts and three Vietnam Crosses of Gallantry; and

WHEREAS, General Cooper, in new assignment as director of manpower and recruiting, Headquarters Marine Corps, Washington, D.C., will head the Corps' recruiting efforts for both regular and reserves forces; and

WHEREAS, Gary Cooper also has greatly achieved in civilian life as a marketing executive with a prominent Mobile-based engineering firm; as a member of the Alabama House of Representatives; and as Commissioner of the Alabama Department of Human Resources; and

WHEREAS, a graduate of Notre Dame University, General Cooper also is the recipient of such other distinctions as Man of the Year, M. O. Beale Scroll of Merit and the Secretary of the Navy Award for Public Service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with our fellow Alabamians in expressing great pride in the accomplishments of Gary Cooper of Mobile, and do further direct that he receive a copy of this resolution.

Approved September 13, 1988

Time: 3:28 P.M.

Act No. 88-762

S.J.R. 10—Senator Bailey

SENATE JOINT RESOLUTION

NAMING THE BRIDGE ON STATE HIGHWAY 27, SOUTHWEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

WHEREAS, Cureton Bridge was an early Alabama settlement named for the Cureton family that settled there in the early 1820s; and

WHEREAS, the village was located on the East Fort of the Chattahoochee River in the Western part of Henry County and Northeast of what later became the Center Community; and

WHEREAS, William Jackson Cureton (1760-1832), a native of Virginia settled in the area circa 1825 and constructed a private

bridge across the Choctawhatchee River, which was the first bridge to be built over this stream; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of William Jackson Cureton and the Cureton family, we hereby name and designate the bridge that spans the Choctawhatchee River on Alabama Highway 27, Southwest of Abbeville in Henry County, Alabama, the "Cureton Bridge".

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said bridge as the "Cureton Bridge".

Approved September 13, 1988

Time: 3:29 P.M.

Act No. 88-763

S.J.R. 6—Senators Mitchem and Barron

SENATE JOINT RESOLUTION

COMMENDING TRUMAN AND BOBBIE McCRELESS GLASSCO FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

WHEREAS, the Alabama Legislature in commendation and esteem, notes the selection of Truman and Bobbie McCreless Glassco as 1988 Man of the Year and 1988 Woman of the Year, respectively—distinct and individual honors of annual bestowal by the Boaz Chamber of Commerce in recognition of outstanding service and achievement; and

WHEREAS, Bobbie Glassco, who has been employed at Snead State Junior College since 1961 and serves currently as Dean of Instruction, holds the B.S. degree from Jacksonville State University, as well as the M.S. and Ed.D. degrees from Auburn University; and

WHEREAS, in addition to membership and involvement in numerous professional associations, Mrs. Glassco also is active in leadership with many church, civic and other community affairs including several charity fund-raising drives, Marshall County's Project Independence/Target Success, as well as Horton's Bethany Baptist Church which she serves as clerk, pianist and Sunday School teacher, and was publisher of a church history and coauthor of Marshall Missionary Baptist Association—1887-1987; and

WHEREAS, Truman Glassco, now Supervisor of Instruction with the Marshall County School System, is a former public school teacher,

counselor and administrator who received his B.S. degree from Jacksonville State University and his M.Ed. degree and AA Certification from Auburn University; and

WHEREAS, Mr. Glassco also has distinguished himself in community service as past president and current secretary of the Boaz Civitan Club; as a former president and currently as a member of the board of the Boaz Chamber of Commerce; and as deacon, Sunday School teacher, assistant choir director and chairman of the Building Committee of Bethany Baptist Church at Horton; and

WHEREAS, both Mr. and Mrs. Glassco are further involved in activities and leadership of the Alabama State Singing Convention, North Alabama Singing Convention and other organizations devoted to gospel singing, and they have each received a number of honors and accolades including Civitan Man of the Year for Truman Glassco and Boaz Woman of Achievement for Bobbie Glassco, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend 1988 Boaz Man of the Year, Truman Glassco, and 1988 Boaz Woman of the Year, Bobbie McCreless Glassco, and do further direct that they receive a copy of this resolution of sincere admiration and esteem.

Approved September 13, 1988

Time: 3:30 P.M.

Act No. 88-764

S.J.R. 5—Senators deGraffenried, Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

COMMENDING JOAB THOMAS FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA.

WHEREAS, Dr. Joab Thomas, a native of Holt, Alabama, and a graduate of Harvard University with the bachelor's, master's and doctoral degrees, is a former faculty member and administrator at the University of Alabama for fifteen years; and

WHEREAS, in 1981, Dr. Thomas resigned his position as Chancellor of North Carolina State University to return to Tuscaloosa as the 26th president of the University of Alabama where he has provided forceful leadership resulting in an era of unparalleled change and growth for Alabama's first state university; and

WHEREAS, President Thomas' achievements, since that time, have embraced all aspects of the University and include such significant advancements as a threefold increase in external support for faculty research and the establishment of eleven endowed chairs that have brought internationally known artists and scholars to the University; and

WHEREAS, he also was instrumental in the initiation of a Presidential Scholars recruitment program, the success of which is reflected in last year's entering class of some 150 full scholarship recipients which had an average ACT of 30, a grade point average of 3.8 and included a record 63 new National Merit and Achievement Scholars, more than any other state institution, and a total that ranked UA 25th nationally among all institutions and 11th among all public institutions; and

WHEREAS, among other of his achievements are a continuing increase in enrollment, despite raised admission requirements, to this year's all-time high of 17,000; the implementation of a university-wide core curriculum; a new Honors Program for the academically talented; a \$95-million building program nearing completion; a successful \$62-million capital campaign; full 10-year accreditation granted by the Southern Association of Colleges and Schools in 1985; and international publicity accorded UA's success, through applied research, in preventing the closing of the local Rochester Products Plant; and

WHEREAS, in recognizing these and other accomplishments by President Thomas, we further note his chairmanship of the Board of Directors of the College Football Association, his service on the executive committee of the SEC, and his peer selection as one of the 100 most effective college presidents in the nation; and

WHEREAS, it is therefore with regret that we view President Thomas' resignation as University president, but gratefully anticipate his return, following a year's sabbatical, as professor of biology, his chosen field of endeavor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of distinguished service to the University of Alabama, we hereby commend Dr. Joab Thomas, a native son in whom we are justly proud and to whom a copy of this resolution of highest regard and sincere appreciation shall be presented.

Approved September 13, 1988

Time: 3:31 P.M.

Act No. 88-765

S.J.R. 3—Senator deGraffenried

SENATE JOINT RESOLUTION

RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Special Session and any other Special Session in 1988, be bound separately from the Regular Session of 1988.

Approved September 13, 1988

Time: 3:31 P.M.

Act No. 88-766

S. 180—Senator Hand

AN ACT

Relating to Baldwin County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Be It Enacted by the Legislature of Alabama:

Section 1. Signs, markers and advertising, pertaining to political campaigns, on the rights-of-way of state and county controlled highways are prohibited in Baldwin County except those official signs or markers placed thereon by the state highway department or by Baldwin County or under the authority of either governmental entity. No sign, marker or political poster may be attached to any official sign or marker placed by the highway department or by the county or on any utility pole or tree on the rights-of-way of a state or county highway.

Section 2. Any person violating the provisions of this act shall upon conviction be guilty of violating Section 23-1-6, Code of Alabama 1975.

Section 3. This act shall become effective January 1, 1989, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:33 P.M.

Act No. 88-767

S. 160—Senator Manley

AN ACT

Relating to Marengo County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain postal cost reimbursement plus a fee not to exceed \$1.00 pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the revenue commissioner to said probate office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created within the probate judge's office of Marengo County a License Division which shall issue all licenses heretofore or hereafter ordered to be issued through the probate judge's office, except marriage licenses. The county commission shall furnish suitable quarters and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery, forms and supplies as are furnished pursuant to law by the State of Alabama or any other governmental agency. The county commission shall provide the necessary employees to staff the License Division of the Probate Office. The county commission shall set the number of employees for efficient operation of the License Division and shall set the salary for each position. The probate judge shall have total authority to interview, select and employ each person hired in the License Division after the number and salary level has been set by the county commission. The compensation of all employees in the License Division shall be paid monthly out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The probate judge shall perform all duties relating to the assessment and collection of ad valorem taxes and casual sales

and use taxes and any other taxes on motor vehicles in the county, which have heretofore been performed by the revenue commissioner and shall also collect any other taxes that may hereafter be levied. The revenue commissioner of Marengo County is hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes of such motor vehicles. The probate judge shall receive the commissions and fees now allowed the revenue commissioner for performing these functions and any future fees set by law, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such tax shall be made at the same time as other reports and remittances are now made by the probate judge.

Section 3. The probate judge shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition made of them, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that the judges of probate are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that judges of probate are required to account for by law.

Section 4. The probate judge shall be entitled to charge and collect the same fees that are provided for by law. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by existing state law.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the probate judge until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipts from the said judge. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to said probate judge who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 6. Before any vehicle can be assessed, the probate judge shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said probate judge shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the

state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said probate judge shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed.

Section 7. The probate judge may, at his discretion, annually mail an application for renewal of licenses to whom such license has been previously issued, such renewal forms required to be received in the License Division Office prior to the expiration date of the license. Such renewal forms may be in postcard form and with sufficient information thereon to adequately identify and process such renewal. The signature of the licensee thereon and proper remittance shall constitute sufficient authority for the probate judge to issue such license and return to the licensee by mail provided the application and full payment is received prior to the expiration date. There is hereby established a fee to be entitled "Mail Order Fee" which shall be the postal cost of mailing the notice and mailing the tag to the applicant plus a fee set by the county commission for each mail order tag which shall not exceed \$1.00 per tag sold by mail, and such postal costs and fee, if any is set, shall be collected by the probate judge at the time of issuance of the tag and paid over to the general fund of the county.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. The provisions of this act shall become effective on the first day of the month following the month in which this act becomes law.

Approved September 13, 1988

Time: 3:34 P.M.

Act No. 88-768

S. 181—Senator Hand

AN ACT

Relating to Baldwin County; providing further for the compensation of poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Baldwin County each poll worker shall receive compensation in the amount of \$40.00 per day payable out of the general fund of the county. Said compensation shall be in lieu of any and all compensation heretofore or hereafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:35 P.M.

Act No. 88-769

S. 182—Senator Hand

AN ACT

Relating to Baldwin County; repealing Act No. 88-381, H. 969, 1988 Regular Session (Acts 1988, p. 569) which increased court costs and provided for the disposition of the proceeds from the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 88-381, H. 969, 1988 Regular Session (Acts 1988, p. 569) is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 3:36 P.M.

Act No. 88-770

S.J.R. 29—Senator Campbell

SENATE JOINT RESOLUTION

COMMENDING H. A. ALEXANDER FOR OUTSTANDING SERVICE TO THE CITY OF MOULTON, ALABAMA.

WHEREAS, the retirement of H. A. Alexander as Mayor of the City of Moulton, Alabama, brings to a close a distinguished tenure in municipal leadership during his five terms in office; and

WHEREAS, Mayor Alexander has been instrumental in numerous advancements and accomplishments for his city including the acquisition of more than \$20 million in grants; the development of the 80-acre Turkey Creek Water Lake, as a member of the Water Board; the construction of a new city hall, city service center, and recreational and park facilities; and the development of Deer Run, Moulton's first golf course; and

WHEREAS, also under Mayor Alexander's leadership, an expanded sewage treatment plant was developed; a beneficial change in the privilege license formula was adopted; a sales tax was added for additional revenue; the Lawrence County Lions' Club Fair was organized; and the Moulton-Lawrence County Chamber of Commerce was established with Mayor Alexander serving as president for a two-year term; and

WHEREAS, Mayor Alexander, in further service and involvement, is a member of North Alabama Mountain Lakes Tourism Board; and is a member, past president and committeeman of the Alabama League of Municipalities; and

WHEREAS, he also is a member of the Regional Council of Governments, Morgan-Lawrence County Community Action Committee, Alabama Community Development Advisory Board, National League of Cities' Advisory Council and the League's executive and human development committees, Alabama Criminal Justice Board, and the George C. Wallace Industrial Air Park Board, as well as serving on several boards of the North Central Alabama Mental Health Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mayor H. A. Alexander for distinguished service to the City of Moulton, Lawrence County and the State of Alabama, and do further direct that he receive a copy of this resolution of sincere praise and regard.

Approved September 13, 1988

Time: 3:37 P.M.

Act No. 88-771

S.J.R. 38—Senators Figures and Bedford

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF FRED L. SANDERSON OF
MOBILE, ALABAMA.

WHEREAS, in sentiment of great sorrow and regret, the Legislature of Alabama records the lamentable death of Dr. Fred L. Sanderson of Mobile, Alabama, on August 24, 1988, at the age of 65 years; and

WHEREAS, a native of Mineral Springs, Mississippi, and the son of the late Reverend Wesley and Annie Sanderson of that community, Dr. Sanderson, at an early age, confessed Christ as his Savior and, after acknowledging his call to the ministry, was licensed to preach and was officially called to Mount Carmel Missionary Baptist Church in 1970; and

WHEREAS, as an assistant minister and later as pastor, Dr. Sanderson was a great and dedicated leader for Mount Carmel Missionary Baptist Church for 18 years, and was an asset to the total community; and

WHEREAS, Dr. Sanderson, in addition to his pastorate, also served as Trustee of the Sunlight Association and as a Matron Lecturer; he further was manager of the Sunlight District Auditorium, newly elected Second Vice Moderator of the Mobile Sunlight District Association, and was retired from employment with the Mobile Public School System; and

WHEREAS, the Reverend Fred L. Sanderson was indeed a devoted servant of God who, in passing from this life, has now received eternal rest and peace in his "... Closer Walk With God"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Fred L. Sanderson of Mobile, Alabama, and extend deepest sympathy to his devoted wife, Mrs. Dorothy A. Sanderson; daughters, Aerial Donaldson and Sandra Boykin; sons, James Reuben and Wesley Sanderson; and to other family members and friends, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved September 13, 1988

Time: 3:38 P.M.

Act No. 88-772

S.J.R. 39—Senator Preuitt

SENATE JOINT RESOLUTION

COMMENDING ASSISTANT POLICE CHIEF LEWIS FINN
FOR OUTSTANDING SERVICE TO THE CHILDERSBURG
COMMUNITY.

WHEREAS, retiring Assistant Police Chief Lewis Finn has continuously served the City of Childersburg with great distinction for more than 18 years; and

WHEREAS, Lewis Finn, along with Chief Ira Finn, are members of a family that has become an institution of law enforcement, beginning with their uncle, Tim Finn, who previously served as Chief of the Childersburg Police Department for 40 years; and

WHEREAS, outgoing Assistant Chief Finn was recently honored for the dedication of his efforts in safeguarding the lives and property of the citizens of Childersburg, and it is with sincerity that we join his peers, many co-workers and friends in wishing him every continued success in life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Assistant Police Chief Lewis Finn of Childersburg, Alabama, on his outstanding law enforcement career, and do further direct that he receive a copy of this resolution of sincere praise and esteem.

Approved September 13, 1988

Time: 3:39 P.M.

Act No. 88-773

S.J.R. 40—Senator Preuitt

SENATE JOINT RESOLUTION

COMMENDING IRA FINN FOR DISTINGUISHED SERVICE TO THE POLICE DEPARTMENT OF CHILDERSBURG, ALABAMA, AND TO THE COMMUNITY.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the distinguished career of Ira Finn as Chief of Police, Childersburg, Alabama; and

WHEREAS, Chief Finn, who was honored recently for extraordinary service to the Childersburg community, has served continuously for more than 21 years as Chief of Police, and prior to that, had worked for the City, off and on, since 1947; and

WHEREAS, as an exemplary law enforcement officer and one who holds a distinguished record of felony arrest convictions, Chief Finn is held in highest regard by his fellow citizens, coworkers and peers; and

WHEREAS, we further note that Chief Finn, along with Assistant Chief Lewis Finn, are second generation law enforcement

officers, having followed in the footsteps of their uncle, Tim Finn, who served as Chief of Police for the Childersburg Department for some 40 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding law enforcement career and distinguished community service, we hereby commend retiring Police Chief Ira Finn of Childersburg, Alabama, to whom a copy of this resolution of highest praise and regard shall be presented.

Approved September 13, 1988

Time: 3:40 P.M.

Act No. 88-774

S. 67—Senator Bedford

AN ACT

Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of Lamar County Board of Registrars shall be paid an amount of \$20.00 per meeting day as compensation by the Lamar County Commission. This amount shall be in addition to any compensation received by the members of the board of registrars from the State of Alabama.

Section 2. The members of the Lamar County Board of Registrars shall be paid by the county for travel in or out of state for educational or training purposes when said travel has been approved in advance by the Lamar County Commission. Such compensation shall be at the rate paid other county employees or officers for travel.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 14, 1988

Time: 10:59 A.M.

Act No. 88-775

S.J.R. 11—Senator Bailey

SENATE JOINT RESOLUTION

NAMING THE BRIDGE ON STATE HIGHWAY 27, SOUTH-WEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

WHEREAS, Cureton Bridge was an early Alabama settlement named for the Cureton family that settled there in the early 1820s; and

WHEREAS, the village was located on the East Fort of the Chattahoochee River in the Western part of Henry County and Northeast of what later became the Center Community; and

WHEREAS, William Jackson Cureton (1760-1832), a native of Virginia settled in the area circa 1825 and constructed a private bridge across the Choctawhatchee River, which was the first bridge to be built over this stream; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of William Jackson Cureton and the Cureton family, we hereby name and designate the bridge that spans the Choctawhatchee River on Alabama Highway 27, Southwest of Abbeville in Henry County, Alabama, the "Cureton Bridge".

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said bridge as the "Cureton Bridge".

Approved September 14, 1988

Time: 11:00 A.M.

Act No. 88-776

S. 148—Senators Rice, Bedford, Mitchem, Campbell, Covington, Preuitt, Barron, Ellis, Cabaniss, Drinkard, Dixon, Bedsole, Foshee, Hale, Amari, deGraffenried, Bailey, Bennett, Horn, Manley and Parsons

AN ACT

To authorize the State Department of Veterans' Affairs to provide for the operation of a state veterans' home or homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home; to create a veterans' home trust fund; to provide certain admission and discharge policy, to require certain reports and budget requests, to specify reimbursement policy; and to provide that certain certification requirements are met.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. The Legislature hereby finds and determines that there currently exists a significant need for

health, nursing, medical, rehabilitative and related housing structures for those residents of this state who have served their state and nation in its armed forces. The Legislature further finds and determines that in order to meet this need, it is necessary for there to be established a state veterans' home or homes to be operated by the State Department of Veterans' Affairs, and to vest in such department those powers and authority that may be necessary to enable it to accomplish the establishment and operation of a state veterans' home or homes. This act shall be liberally construed in conformity with the purposes expressed.

As used in this act the term "veteran" shall have the same meaning ascribed to such term in Section 31-5-1, Code of Alabama 1975, as amended.

Section 2. Authorization to Receive Federal Aid, Private Gifts; Authorization to Expend Funds. The State Department of Veterans' Affairs is designated as the agency of this state to receive federal aid under Title 38, U.S.C., Sections 641 and 642, as amended. The department is authorized and directed to receive federal aid from the United States Veterans Administration or any other agency of the United States government authorized to pay federal aid to states for soldiers' homes under Title 38, U.S.C., Sections 641 and 642, as amended, and from any other federal law or act of Congress providing for the payment of funds to states for the care of or support of disabled soldiers and sailors in the state homes. The department is authorized to receive from any source gifts, contributions, bequests, and individual reimbursements, the receipt of which does not exclude any other source of revenue. All funds received by the department shall be deposited in the state treasury in the Alabama Veterans' Home Trust Fund and such funds shall be expended per authorization of the State Board of Veterans' Affairs.

Section 3. Operation of State Veterans' Homes. The department shall contract with a non-governmental entity to operate a state veterans' home or homes for the care and support of elderly or disabled veterans in the State of Alabama. Contracts for the procurement of services required to manage, administer and operate a State Veterans' Home shall be awarded on a competitive basis through the solicitation of proposals. Said contract may be awarded to the vendor whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors, management plan, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, corporate experience and past performance, and any other requirements deemed necessary by the State Board of Veterans' Affairs and expressed in its solicitation for proposals. Any contract awarded under this section shall be for a period not to exceed five years. The State

Board of Veterans' Affairs is not required to select the vendor offering the lowest cost proposal but shall select the vendor who, in the Board's discretion, offers the proposal most advantageous to the State of Alabama. Sections 41-16-20, et seq., Code of Alabama 1975, are not applicable to the award of contracts provided for herein.

Section 4. Administration of Veterans' Homes. It shall be the duty of the State Service Commissioner to appoint a Department Representative for any Alabama State Veterans' Home, subject to approval of the State Board of Veterans' Affairs. The Department Representative position herein provided for shall be exempt status (non-merit), and shall be subject to guidelines as established herein. Each Department Representative will be appointed on the basis of education, ability and experience in the administration of medical facilities and/or nursing homes, without regard to political affiliations. Each Department Representative shall perform his duties in accordance with the rules, guidelines and general policies as may be established by the State Board of Veterans' Affairs and as provided in this act. Each Department Representative shall serve at the pleasure of the State Board of Veterans' Affairs, and shall receive such compensation as shall be determined by said Board with the approval of the Governor of the state. Each Department Representative shall publish annually a full report of the operations and administration of the state veterans' home that is under his administration together with recommendations and suggestions for improvements in facilities and services, and submit such report to the State Board of Veterans' Affairs.

Section 5. Duties and Powers. The State Board of Veterans' Affairs, in conference with the State Service Commissioner of Veterans' Affairs, shall have the authority exclusively:

(a) To provide for the operation of a state veterans' home or homes for the care of and support of elderly and disabled veterans in the State of Alabama as prescribed in this act;

(b) To make necessary rules and regulations for the creation and operation of any state veterans' homes;

(c) To apply for and accept gifts, grants, and other contributions from the federal government or from any other governmental unit;

(d) To use the funds received from the federal government or from any other governmental unit for the purposes authorized and directed by the federal government or such other governmental unit in making the funds available;

(e) To accept and use gifts, grants, donations, and contributions of real estate, both vacant and improved, facilities, services or other property from individuals, firms, corporations, organizations, and

associations and from county and municipal corporations and their subdivisions, plus any other sources of revenue for any state veterans' homes. All expenditures from said trust fund shall be made upon warrants issued by the state comptroller drawn on account held by the state treasury based upon claims, approved by the State Board of Veterans' Affairs, as provided in this section.

Section 6. State Veterans' Home Trust Fund. There is hereby created in the state treasury a trust fund for the Alabama Department of Veterans' Affairs, to be known as the Alabama Veterans' Home Trust Fund. The said trust fund shall consist of all funds and monies received by the State Board of Veterans' Affairs and/or the Alabama Department of Veterans' Affairs from the United States, any federal agency or institution, gifts, contributions, bequests, any individual reimbursements, and any other source, for the care or support of veterans, discharged other than under dishonorable conditions, who have been admitted and cared for at an Alabama Department of Veterans' Affairs state veterans' home. Nothing contained herein prohibits the establishment and utilization of special agency accounts by the Department of Veterans' Affairs and its constituent institutions, as may be approved by the State Board of Veterans' Affairs, for receipt and disbursement of the personal funds of state veterans' home residents and members and/or for receipt and disbursement of charitable contributions and donations for use by and for residents and members. The trust fund herein created shall be used by the Alabama Department of Veterans' Affairs to pay for the care of veterans, discharged other than under dishonorable conditions, in said state veterans' home and to pay the general operating expenses of the state veterans' home, including the payment of salaries and wages of officials and employees. Further provided, that funds in said trust fund may be used to remodel, repair, construct, build additions, modernize, or add improvements of domiciliary or hospital buildings necessary for the care of veterans, plus architectural plans, specifications, or other costs pertinent thereto as approved by appropriate State agencies. All funds deposited plus income earned on the investment or reinvestment shall be credited to the trust fund created herein. Any money remaining in the fund at the end of each fiscal year shall remain on deposit in the State Treasury to the credit of the Alabama Veterans' Home Trust Fund. No funds shall be withdrawn or expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of article 4 of chapter 4 of Title 41 of the Code of Alabama 1975, and only in the amounts and for the purposes provided by the legislature in the general appropriation act.

Section 7. Admissions and Discharges; Rules and Regulations Concerning. Admissions to and discharges from any Alabama State

Veterans' Home shall be in accordance with the policies and procedures as established by the State Board of Veterans' Affairs at the time application for admission or for discharge is presented; provided, however, that the State Board of Veterans' Affairs may admit and discharge veterans to any Alabama Veterans' Home who qualify for care and treatment under Title 38, U.S.C., Section 101 (19) and Section 641, and may adopt appropriate rules consistent with accepted medical considerations to carry out this function.

Section 8. Annual Reports and Budgets. The State Board of Veterans' Affairs shall report to the Governor annually respecting the activities of the State Department of Veterans' Affairs in connection with operation of the state veterans' homes. This report shall contain an accounting for all monies received and expended, statistics on veterans who resided in the homes during the year, recommendations to the Governor and the Legislature and such other matters as the said Board shall deem pertinent. The State Service Commissioner, with the approval of the State Board of Veterans' Affairs, shall compile an annual budget request, as necessary, respecting needs for state funding for anticipated costs of such homes, which request shall be submitted to the Department of Finance in conjunction with the State Department of Veterans' Affairs annual budget requests.

Section 9. Reimbursement Policies. Each resident of any state veterans' home shall pay to the State Department of Veterans' Affairs for deposit in the Alabama Veterans' Home Trust Fund, the cost of maintaining his/her residence at the home. The cost shall be as prescribed by the State Board of Veterans' Affairs in conference with the State Service Commissioner. The cost of the care shall be paid by the tenth of each month.

Section 10. Certification Process. Any home in addition to the one located in Alexander City, Alabama, or any proposed new service or proposed change of service or any requirement then deemed applicable shall be subject to the Certificate of Need process, the Department of Public Health Division of Licensure and Certification and any and all review and approval processes, criteria, statutory and administrative rules and regulations then applicable to any proposed privately-owned and/or operated nursing home facility or health care provider seeking to operate in Alabama. All State Veterans' Nursing Homes, domiciliaries, hospitals or any other health related activities shall be subject to all the rules and regulations governing and controlling the operation of a privately-owned facility or provider of health services in the State of Alabama.

Section 11. Repealer. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 14, 1988

Time: 11:20 A.M.

Act No. 88-777

H. 45—Rep. Harper

AN ACT

To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama Real Estate Commission from the Real Estate Commission Fund the sum of four hundred thousand dollars (\$400,000) for the fiscal year ending September 30, 1988 for capital outlay purposes. Such appropriation shall continue in force until the completion of the capital projects for which such appropriation is made as provided for in Code of Alabama, 1975, Section 41-4-93.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 14, 1988

Time: 11:01 A.M.

Act No. 88-778

H. 87—Rep. Parker

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Decatur in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of

said municipality, in addition to the lands now included, all of the following territory, to wit:

Property located within Section 28, Township 5 South, Range 5 West, Morgan County, Alabama, and further described as beginning at the southeast corner of the SW1/4 of Section 28, Township 5 South, Range 5 West, a point on the corporate limits of Decatur, Alabama, and the true point of beginning, of the tract herein described; thence north along the east boundary of the West 1/2 of said Section 28 to a point on the north right-of-way margin of New Highway No. 24 (Gordon Terry Parkway); thence in a southwesterly direction along the north right-of-way margin of New Highway No. 24 (Gordon Terry Parkway) to a point on the west boundary of said Section 28; thence south along said west boundary of Section 28 to the southwest corner of said Section 28; thence east along the south boundary of said Section 28 to the true point of beginning, lying and being within Section 28, Township 5 South, Range 5 West, Morgan County, Alabama, and containing 231.15 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:32 P.M.

Act No. 88-779

H. 235—Rep. Dillard

AN ACT

Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lawrence County, the county commission shall provide for an advisory referendum election to be held in conjunction with the November 1988 general election. The questions on the ballot shall be substantially as follows:

“Do you favor electing all five members of the county commission in 1990 for four-year terms of office? Yes _____ No _____.”

“Do you favor electing county commissioners for staggered terms of office in 1990 in a manner whereby the district commissioners in Districts 1 and 2 will be elected for two-year terms and the district commissioners in Districts 3, 4 and 5 will be elected for four-year terms? Yes _____ No _____.”

"Do you favor a staggered term system for electing county commissioners that would extend the current terms of the commissioners in Districts 3, 4 and 5 for two years (1992 election) and provide for electing commissioners from Districts 1 and 2 in 1990? Yes _____ No _____."

The results of such referendum election shall be given to the members of the state legislative delegation representing Lawrence County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:30 P.M.

Act No. 88-780

H. 193—Rep. Parker

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hartselle in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

A tract or parcel of land containing 73 acres, more or less, lying and being in the South 1/2 of Section 9 and the N 1/2 of Section 16, Township 7 South, Range 4 West, Morgan County, Alabama, and more particularly described as follows:

Beginning at a point where the west boundary of the NE-1/4 of the NW-1/4 of Section 16, Township 7 South, Range 4 West, Morgan County, Alabama, intersects the north right-of-way margin of Alabama Highway No. 36, and the true point of beginning of the

tract herein described; thence from THE TRUE POINT OF BEGINNING run North along the west boundary of the NE-1/4 of the NW-1/4 of said Section 16 a distance of 788.5 feet to a point on the south boundary of Section 9, Township 7 South, Range 4 West, Morgan County, Alabama; thence North along the west boundary of the East half of the SW-1/4 of said Section 9 and also along the west boundary of Hampton Subdivision as recorded in the Office of the Judge of Probate for Morgan County, Alabama, in Plat Book 4, at Page 5, a distance of 1650.0 feet, more or less, to a point; thence East a distance of 1320.0 feet, more or less, to a point on the east boundary of the SW-1/4 of said Section 9, said point also being on the existing Hartselle Corporate City Limit Line; thence South along the existing Hartselle Corporate City Limit Line and the east boundary of the SW-1/4 of said Section 9 a distance of 335.0 feet, more or less, to a point; thence East along the existing Hartselle Corporate City Limit Line a distance of 30.0 feet, more or less, to a point on the northwest corner of Lot 1, Block "A", Ward Subdivision as recorded in the Office of the Judge of Probate for Morgan County, Alabama, in Plat Book 5, at Page 79, said point also being on the east right-of-way margin of Shaw Road; thence South along the east right-of-way margin of Shaw Road and along the existing Hartselle Corporate City Limit Line a distance of 425.0 feet to the northwest corner of Lot 3, Block "B", of said Ward Subdivision; thence East along the north boundary of Lot 3, Block "B", of said Ward Subdivision and also along the existing Hartselle Corporate City Limit Line a distance of 175.0 feet to the northeast corner of Lot 3, Block "B", of said Ward Subdivision; thence South along the east boundary of Lot 3, Block "B", of said Ward Subdivision and also along the existing Hartselle Corporate City Limit Line a distance of 100.0 feet to the southeast corner of Lot 3, Block "B", of said Ward Subdivision; thence West along the south boundary of Lot 3, Block "B", of said Ward Subdivision and also along the existing Hartselle Corporate City Limit Line a distance of 175.0 feet to a point on the east right-of-way margin of Shaw Road; thence South along the east right-of-way margin of Shaw Road and also along the existing Hartselle Corporate City Limit Line a distance of 542.96 feet to a point; thence East along the existing Hartselle Corporate City Limit Line a distance of 333.75 feet to a point; thence South along the existing Hartselle Corporate City Limit Line a distance of 261.02 feet to a point on the north boundary of said Section 16; thence West along the north boundary of said Section 16 a distance of 248.75 feet to a point; thence South a distance of 554.5 feet to a point on the northerly right-of-way margin of Alabama Highway No. 36; thence in a southwesterly direction along the northerly right-of-way margin of Alabama Highway No. 36 a distance of 1454 feet, more or less, to THE TRUE POINT OF BEGINNING, lying and being within the NE-1/4 of the NW-1/4 and the NW-1/4 of the NE-1/4 of Section

16, and within the east-half of the SW-1/4 and the SW-1/4 of the SE-1/4 of Section 9, all in Township 7 South, Range 4 West, Morgan County, Alabama, and containing 75 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:31 P.M.

Act No. 88-781

S. 10—Senator Campbell

AN ACT

Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In order to promote the health and welfare of the citizens of Morgan County and to protect the property interests of property owners in such county, the Morgan County commission and the governing bodies of the incorporated municipalities in Morgan County are hereby authorized and empowered to regulate and control through the issuance of permits the location of rock quarry blasting operations within the respective jurisdictions of such county commission and municipal governing bodies.

(b) The Morgan County commission and the governing body of each such municipality within Morgan County shall promulgate and implement such rules, regulations and restrictions relating to the issuance of such permits as it deems necessary, from time to time, to carry out the intent of this act. Provided, however, no permit shall be issued for the location of a rock quarry blasting operation within one and one-half miles of the campus or grounds of any school, college, church or public park or recreation area.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:33 P.M.

Act No. 88-782

S. 13—Senator Campbell

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hartselle in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Begin at the southwest corner of Section 12, Township 7 South, Range 4 West, Morgan County, Alabama, said point being the true point of beginning of the tract herein described; thence from the true point of beginning run North along the west boundary of said Section 12 and along the existing Hartselle Corporate City Limit Line a distance of 2680 feet, more or less, to a point on the north right-of-way margin of Hartselle-Somerville Road; thence East along the north right-of-way margin of Hartselle-Somerville Road with its expansion a distance of 3670 feet, more or less, to a right-of-way flare; thence South a distance of 200 feet, more or less, to a right-of-way flare on the south right-of-way margin of Hartselle-Somerville Road; thence in a Southeasterly direction along a right-of-way flare a distance of 129.36 feet to a point on the West right-of-way margin of U.S. Highway No. I-65; thence in a Southerly direction along the west right-of-way margin of U.S. Highway No. I-65 a distance of 5225 feet, more or less, to a point on the south right-of-way margin of Parker Road; thence in a Northwesterly and Westerly direction along the South right-of-way margin of Parker Road with its contraction a distance of 4797 feet, more or less, to a point on the west boundary of Section 13, Township 7 South, Range 4 West, Morgan County, Alabama; thence North along the west boundary of said Section 13 and also along the existing Hartselle Corporate City Limit Line a distance of 1393 feet, more or less, to the southwest corner of the NW-1/4 of the NW-1/4 of said Section 13; thence N 88°25'10"

E along the existing Hartselle Corporate City Limit Line and along the boundary of Parker Estates as recorded in the office of the Judge of Probate for Morgan County, Alabama, in Plat Book 7, at Page 61, a distance of 1340.99 feet to the southeast corner of the NW-1/4 of the NW-1/4 of said Section 13; thence N 01°15'08" E along the existing Hartselle Corporate City Limit Line and along the east boundary of said Parker Estates a distance of 1321.22 feet to a point on the south boundary of said Section 12; thence N 88°30'43" W along the south boundary of said Section 12 a distance of 1320.35 feet to the true point of beginning, lying and being within Sections 12 and 13, Township 7 South, Range 4 West, Morgan County, Alabama, and containing 503.5 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1988

Time: 4:34 P.M.

Act No. 88-783

H. 163—Reps. Johnson (RW), Ford,
Junkins, Mikell, Haynes,
Walker, Turnham and
Laird

AN ACT

Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, as amended, all relating to the Unemployment Compensation Trust Fund, so as to provide for a reduction of 0.06% in the rates or unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be entitled The Employment Security Administration Enhancement Act.

Section 2. (a) Effective for calendar years beginning January 1, 1989 and ending on December 31, 1991, there is hereby placed upon all wages so defined in Section 25-4-16, Code of Alabama 1975,

as amended, paid to employees by employers subject to pay contributions as provided in Sections 25-4-51 and 25-4-54 of said Code, except as is hereinafter provided in this section, a special assessment of 0.06% (six one-hundredths of one percent) of such wages. This assessment shall not apply to wages paid during any calendar quarter of any calendar year by any employer whose rate of contribution has been computed under the provisions of said Section 25-4-54 to be at least 5.40% but not more than 5.45% for such calendar year, to any employer who for such calendar year has elected to make payments in lieu of contributions pursuant to the provisions contained in said Section 25-4-51, nor to any employer who has not had sufficient unemployment experience to qualify for a rate determination under Section 25-4-54 for such calendar year.

(1) Assessments under this section shall become due and payable at the end of each calendar quarter which begins after December 31, 1988 and ends prior to January 1, 1992, and shall be paid in accordance with regulations as may be prescribed by the director at the same time and in the same manner as employers are required by Title 25, Chapter 4 of said Code to file reports and pay contributions and shall not be deducted, in whole or in part, from any remuneration of individuals in the employ of the employer.

(2) The provisions of Sections 25-4-132 and 25-4-133, Code of Alabama 1975, relating to the assessment of interest and penalties for delinquent reporting or payments and the procedures for the collection of delinquent reports and payments shall apply to the assessment prescribed by Section 2 of this act. Any interest or penalty so assessed and collected shall be deposited or transferred to the special employment security administration fund provided for in subsection 25-4-142(b) of said Code.

(3) All moneys collected as assessments pursuant to the provisions of Section 2 this act shall be promptly deposited in the clearing account of the Unemployment Compensation fund only for the purpose of transfer and, as soon as practicable to do so, shall be transferred into the "employment security administration enhancement fund" in the state treasury.

(b) There is hereby created in the state treasury a special fund, to be known as "The Employment Security Administration Enhancement Fund", into which shall be deposited or transferred all funds collected on or after January 1, 1989, pursuant to the assessment made by the provisions of section 4 of this act. All moneys in this fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. All moneys in this fund shall be continuously available to the director for expenditure in accordance with the provision of this chapter, and shall

not lapse at any time. Said funds shall not be expended or made available for expenditure in any manner which would permit their substitution for (or permit a corresponding reduction in) federal funds, which would, in the absence of said moneys, be available to finance expenditures for the administration of the state unemployment compensation and employment service laws.

(c) The moneys in the employment security administration enhancement fund are authorized and, are hereby appropriated, for use by the director as follows:

(1) Special claimant placement program.

a. Moneys in this fund may be expended to supplement basic employment security services with special job search and job placement assistance designed to assist unemployment compensation claimants obtain employment.

b. The director shall appoint an overview committee consisting of five (5) members and composed of the director of employment service, the director of unemployment compensation and the chief of research and statistical divisions of the department, one member representing employers and selected by the Business Council of Alabama and one member selected to represent employees by the Alabama Labor Council. The committee members shall be selected as soon after approval of this amendment as is practicable.

c. The duties of the overview committee shall include the initial planning of the claimant placement program as to content and procedures, the determination of standards, criteria, statistical requirements and reporting needs, monitoring the progress of the program and measure the results and make recommendations to the director.

d. All members of this committee shall serve without remuneration, however, shall be reimbursed for any and all necessary expenses incurred during the performance of their duties in the same manner and under the same regulations as apply to state employees. The payment of such expenses are to be paid from the employment security administration enhancement fund.

(2) General administration and enhancement of employment security. Necessary and appropriate costs of employment security enhancements, not in conflict with the foregoing or state or federal laws, rules or regulations, may be paid from this fund at the discretion of the director.

(3) Economic development of the state through employment security operations.

Moneys in the employment security administration enhancement fund may be expended, as determined appropriate by the director,

to enhance and improve the employment security programs and operations so as to provide the best service to the workers and employers of the state and to encourage the economic development of the state within the employment security programs.

(4) The costs of the collection of revenues, for the maintenance of the fund and the repayment of advances to the fund from other sources for the implementation of the purposes of this amendment shall be paid from this fund.

(5) The director shall submit a special report at the end of each calendar year to the Governor, Lieutenant Governor, and the Speaker of the House of Representatives giving an accounting of collections and expenditures, and an assessment of the success of programs funded from this source.

(d) Any interest earned on money in this special fund shall accrue to the employment security administration enhancement fund.

(e) At the end of the three-year period, or in the event there is a cessation of the activities and purposes of the programs to be funded by moneys from this fund, prior to the end of the three-year period, all remaining moneys in the employment security administration enhancement fund, within 90 calendar days after all outstanding obligations of the director related to this fund have been fulfilled, shall be transferred into the state's unemployment compensation trust fund on deposit with the U.S. Treasury.

Section 3. Section 25-4-31, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§25-4-31.

“(a) The director shall designate an employee of the unemployment compensation agency as treasurer of the fund who shall pay all vouchers or checks duly drawn upon the fund, in such manner as the director may prescribe. The director shall also designate an employee of the unemployment compensation agency as alternate treasurer who, in case of extended absence of the treasurer shall, upon written notice from the director, perform all duties of the treasurer. The treasurer shall maintain within the fund the following separate accounts: a clearing account; an unemployment trust fund account; an unemployment benefit payment account; and such other account or accounts as may be necessary for the payment of any federal unemployment benefits. All moneys payable to the fund, upon receipt thereof by the director, shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 25-4-137 (with the exception of refunds of interest and penalties collected pursuant to sections 25-4-132, 25-4-133 and 25-4-134) may be paid from the clearing account upon

warrants issued by the treasurer, as aforesaid, under the direction of the director. After clearance thereof, all other moneys in the clearing account (with the exception of said interest and penalties collected pursuant to sections 25-4-132, 25-4-133 and 25-4-134, and any other collections required by this chapter to be transferred to the state treasury) shall be deposited by warrants issued as aforesaid, with the secretary of the treasury of the United States of America to the credit of the account of this state in the unemployment trust fund established and maintained pursuant to section 904 of the Social Security Act, any provisions of law in this state relating to the deposit, administration, release or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit payment account shall consist of all moneys requisitioned from the state's account in the unemployment trust fund. Except as otherwise provided in this section, moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the director, in any bank or public depository in which general funds of the state may be deposited but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give bond conditioned upon the faithful performance of his duties as treasurer of the fund in a form prescribed by statute or approved by the attorney general, and in an amount specified by the director and approved by the governor. All premiums upon bonds required pursuant to this section when furnished by an authorized surety company or by a duly constituted governmental bonding firm shall be paid from the unemployment administration fund.

“(b) Interest and penalties collected pursuant to sections 25-4-132, 25-4-133 and 25-4-134 shall be deposited in the clearing account only for the purpose of transfer to the special employment security administration fund provided for in section 25-4-142, and shall be spent in accordance with the provisions of said section 25-4-142.

“(c) Funds collected pursuant to the assessment made against wages paid by employers by Section 25-4-55 and Section 2 of this act shall be deposited in the clearing account only for the purpose of transfer to the special interest payment fund and the employment security administration enhancement fund and shall be expended in accordance with the said provisions.”

Section 4. Section 25-4-54, Code of Alabama 1975, as last amended, is hereby amended to read:

“§25-4-54.

“(a) Determination of contribution rates.

“(1) For the 12-month period beginning on January 1, of each year, any employer whose employment record has been chargeable with benefit wages throughout at least the fiscal year, as defined in

section 25-4-4, Code of Alabama 1975, as amended, immediately preceding such January 1, shall have his rate determined by the unemployment compensation fund's maximum liability for benefits to his employees who have been paid benefits, modified by the state experience as of the most recent December 31, as to average duration of benefit payments as provided in this section. The employment record of an organization which has been making payments in lieu of contributions but which elects to change to payment of contributions shall be deemed to have been chargeable with benefit wages throughout the period with respect to which it was making payments in lieu of contributions and its benefit wages and payrolls for such period shall be used in computing its benefit wage percentage pursuant to subsection (d) of this section.

“(2) If the director finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners or the major stockholders into the armed forces of the United States, or any of its allies, after July 1, 1950, such employer's experience rating account shall not be terminated, and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience shall be deemed to have been continuous throughout such period. The benefit wage percentage of any such employer for the fiscal year in which he resumes business and the three fiscal years immediately following shall be a percentage equal to the total of his benefit wages (including any benefit wages resulting from the payment of benefits to any individual during the period the employer was in the armed forces, based upon wages paid by him prior to his entrance into such forces) for the three most recent fiscal years divided by that part of his total payroll with respect to which contributions have been paid for the three most recent fiscal years during the whole of which, respectively, such employer has been in business. This provision does not authorize cash refunds. Any adjustments required hereunder shall be only by credit certificates.

“(b) Determination of employee benefit wages.—The employee's benefit wages shall be determined as follows:

“(1) When, prior to October 1, 1983, for any benefit year an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment, his wages during his base period shall be employee's benefit wages. After September 30, 1983, when an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for one week of total unemployment his wages during his base period shall be employee's benefit wages. When, prior to October 1, 1983, an employee has been paid benefits, but not in an amount equal to or greater than three times his weekly

benefit amount, his wages will become benefit wages on the date he is paid benefits after September 30, 1983, provided the amount paid before and after this date equals or exceeds his weekly benefit amount.

“(2) Except, that wages paid to an employee during his base period for part-time employment by an employer who continues to give the employee employment to the same extent while he is receiving benefits as he did during his base period shall not be determined to be employee’s benefit wages. The employer shall establish the continuation of work to the satisfaction of the director by submitting such information as the director may require within the time required by other provisions of this chapter after the date of notification or mailing of notice by the director that the employee has first filed a claim for benefits.

“(3) As to any employee who is a ‘maritime worker,’ benefit wages of such employee during a base period as determined under subdivision (b) (1) of this section, exclusive of any benefit wages based on wages in excess of the amount set forth in section 25-4-16 paid to such employee during such base period by any one employer, shall be multiplied by a fraction, the numerator of which is his average quarterly earnings (as defined in subsection (c) of section 25-4-76) in his base period and the denominator of which is his highest earnings of any quarter in his base period. The result shall be employee’s benefit wages of such maritime worker.’

“(4) When, in the determination of any employee’s benefit wages, wages have been included once in any employee’s benefit wages for one benefit year or in any employee’s wages for one base period, such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

“(5) In computing an employee’s benefit wages, no wages in excess of the amount defined as ‘wages’ in section 25-4-16 paid to him in his base period by any one employer, shall be deemed benefit wages. It is the intent of this provision that no one employer be charged with benefit wages in excess of such amount defined in section 25-4-16 because of the receipt of benefits in a benefit year by one of his workers or former workers.

“(c) Determination of employer benefit wages.

“(1) An employer’s benefit wages for each and every fiscal year shall be the total of the benefit wages received from him by all of his employees or former employees which became employee’s benefit wages in such fiscal year.

“(2) The director shall analyze the benefit payments in, and the employee and employer benefit wages for, each fiscal year and determine each employer’s benefit wages for each fiscal year.

“(3) Notwithstanding any inconsistent provisions of this chapter, if, after the last day of any claimant’s benefit year but within the 60 days next following thereafter or within 60 days next following notice to the employer of benefit wage charges made as a consequence of such claimant’s receipt of benefits, whichever is the later, an employer for whom benefit wage charges made as a consequence of such claimant’s receipt of benefits files a written notice in such manner as the director shall prescribe, stating that he had reemployed such claimant within the claimant’s benefit year, and the director finds that such employee received in benefits a total amount aggregating not more than 25 percent of the maximum benefit payments to which he was entitled within such benefit year, because of such reemployment, the employer’s benefit wage record shall be credited with 75 percent of the benefit wages previously charged against him relating to such claimant’s previous employment; or, if the director finds that such employee received in benefits an amount aggregating more than 25 percent but not more than 50 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer’s benefit wage record shall be credited with 50 percent of the benefit wages previously charged against him relating to such claimant’s previous employment; or, if the director finds that such employee received in benefits a total amount aggregating more than 50 percent but not more than 75 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer’s benefit wage record shall be credited with 25 percent of the benefit wages previously charged against him relating to such claimant’s previous employment; provided, however, that such credits shall be made for the fiscal year and the calendar quarter in which the finding is made by the director and no attempt shall be made to relate such credits to the period in which the rehire occurred. For the purpose of this subdivision (3), ‘reemployment’ shall mean performing services for remuneration.

“(4) The director shall, after the close of each calendar quarter, furnish each employer with a statement of the wages of his workers, or former workers, which became his benefit wages in that calendar quarter, together with the names of such workers, or former workers, and such statement, in the absence of an application for a revision thereof within 90 days of the mailing of such statement to the employer’s last known address, shall be conclusive and final upon the employer for all purposes and in all proceedings whatsoever. Such application for revision shall be in the form and manner prescribed by regulation of the director. Upon receipt of, within the time allowed, an application for revision of such statement, the director shall allow such application in whole or in part, or shall deny such application and shall serve notice upon the employer of such decision. Such

decision of the director shall be final and conclusive on the employer at the expiration of 30 days from the date of service of such notice, unless the employer shall within the said 30-day period file with the director a written protest and a petition for hearing, specifying his objections thereto. Upon receipt of such petition the director shall fix a time and place for a hearing and shall notify the employer thereof. At any hearing held as herein provided, the decision of the director shall be *prima facie* correct, and the burden shall be upon the protesting employer to prove it is incorrect. No employer shall have the right to object to the benefit wages with respect to any worker as shown on such statement, unless he shall first show that such benefit wages arose as a result of benefits paid to such worker in accordance with a determination, or a redetermination, to which such employer was a party entitled to notice thereof, as provided by article 5 of this chapter, and shall further show that he was not notified of such determination or redetermination in accordance with the requirements of said article 5 of this chapter. Nothing herein contained shall affect the right of any employer at such hearing to object to such statement of benefit wages on the ground that it is incorrect by reason of a clerical error made by the director or any of his employees. The employer shall be promptly notified by mail of the director's decision. Such decision shall be final and conclusive unless an appeal is taken therefrom in the manner and within the time prescribed in subsection (h) of this section.

“(5) Nothing contained in subdivision (4) of this subsection (c) shall be construed as limiting or affecting in any manner the right and authority of the director to remove benefit wage charges from any employer's account upon discovering or being aware of any such employer's workers or former workers having drawn benefits by reason of false representations of their earnings while filing claims for benefits.

“(d) Determination of employer benefit wage percentage.—The benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a) (1) of this section and has been chargeable with benefit wages throughout the three most recent preceding fiscal years shall be a percentage obtained by dividing the total of his benefit wages for such period by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31, next following such period, and the benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a) (1) of this section, but who has not been subject to this chapter for a period of time sufficient to have been chargeable with benefit wages throughout the three most recent preceding fiscal years, shall be a percentage obtained by dividing the total of his benefit wages for the period throughout which he has been chargeable, such period to be not less than the

most recent preceding fiscal year, by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31 next following such period. The percentage thus derived shall be used in determining each employer's contribution rate as prescribed in subsection (a) of this section for the next calendar year.

“(e) Determination of state experience factor.—From the total amount of benefits paid from the unemployment compensation trust fund during each fiscal year there shall be subtracted all amounts credited to the fund during each such fiscal year other than employers' and employees' contributions and money credited to this state's account in the unemployment compensation trust fund pursuant to section 903 of the Social Security Act, as amended, and the remainder shall be termed the ‘amount required for the fund’ for each such fiscal year. The ‘state experience factor’ for each calendar year shall be a percentage determined by adding to the percentage derived by dividing the total of the amounts required for the fund for the three most recent fiscal years by the statewide total of benefit wages of all employers for the three most recent fiscal years, a factor of an additional five percentage points, and by adjusting to the next highest multiple of one percent. The state experience factor shall be determined annually prior to December 15 of the calendar year for which the determination is made.

“(f) Notice of contribution rate, etc.; maximum rate.—The contribution rates for each employer, as provided in subsection (a) of his section, shall be determined by the director and the director shall notify each employer of the state experience factor, his benefit wage percentage, and his contribution rate within 30 days after the effective date of such rate. Except as provided in paragraph (4)b of subsection (g) of this section, such employer contribution rate for the tax rate year beginning January 1, 1984 shall be determined from the first 16 columns (and for the tax rate years beginning on or after January 1, 1985, all columns) of the following table and shall be the rate appearing at the bottom of the lowest numbered column in which there appears, on the same horizontal line in which is found in the column headed ‘state experience factor,’ the state experience factor for the then calendar year, a percentage equal to or in excess of such employer's benefit wage percentage for the then calendar year.

	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
State Experience Factor	Employer's Benefit Wage Percentage				
1%	50.00%	75.00%	100.00%	125.00%	150.00%
2	25.00	37.50	50.00	62.50	75.00

3	16.75	25.00	33.25	41.50	50.00
4	12.50	18.75	25.00	31.25	37.50
5	10.00	15.00	20.00	25.00	30.00
6	8.25	12.50	16.75	20.75	25.00
7	7.25	10.75	14.25	17.75	21.50
8	6.25	9.50	12.50	15.75	18.75
9	5.50	8.25	11.00	14.00	16.75
10	5.00	7.50	10.00	12.50	15.00
11	4.50	6.75	9.00	11.25	13.75
12	4.25	6.25	8.25	10.50	12.50
13	3.75	5.75	7.75	9.50	11.50
14	3.50	5.25	7.00	9.00	10.75
15	3.25	5.00	6.75	8.25	10.00
16	3.25	4.75	6.25	7.75	9.25
17	3.00	4.50	6.00	7.25	8.75
18	2.75	4.25	5.50	7.00	8.25
19	2.75	4.00	5.25	6.50	8.00
20	2.50	3.75	5.00	6.25	7.50
21	2.50	3.50	4.75	6.00	7.00
22	2.25	3.50	4.50	5.75	6.75
23	2.25	3.25	4.25	5.50	6.50
24	2.00	3.25	4.25	5.25	6.25
25	2.00	3.00	4.00	5.00	6.00
26	2.00	3.00	3.75	4.75	5.75
27	1.75	2.75	3.75	4.75	5.50
28	1.75	2.75	3.50	4.50	5.25
29	1.75	2.50	3.50	4.25	5.25
30	1.75	2.50	3.25	4.25	5.00
31	1.50	2.50	3.25	4.00	4.75
32	1.50	2.25	3.00	4.00	4.75
33	1.50	2.25	3.00	3.75	4.50
34	1.50	2.25	3.00	3.75	4.50
35 or More	1.50	2.25	3.00	3.50	4.25

Employer's
Contribution
Rate

.5

.75

1.00

1.25

1.50

Col. 6

Col. 7

Col. 8

Col. 9

Col. 10

State
Experience
Factor

Employer's Benefit Wage Percentage

1%	175.00%	200.00%	225.00%	250.00%	270.00%
2	87.50	100.00	112.50	125.00	135.00
3	58.25	66.75	75.00	83.25	90.00
4	43.75	50.00	56.25	62.50	69.50

5	35.00	40.00	45.00	50.00	54.00
6	29.25	33.25	37.50	41.75	45.00
7	25.00	28.50	32.00	35.75	38.50
8	22.00	25.00	28.00	31.25	33.75
9	19.50	22.25	25.00	27.75	30.00
10	17.50	20.00	22.50	25.00	27.00
11	16.00	18.25	20.50	22.75	24.50
12	14.50	16.75	18.75	20.75	22.50
13	13.50	15.50	17.25	19.25	20.75
14	12.50	14.25	16.00	17.75	19.25
15	11.75	13.25	15.00	16.75	18.00
16	11.00	12.50	14.00	15.75	16.75
17	10.25	11.75	13.25	14.75	16.00
18	9.75	11.00	12.50	14.00	15.00
19	9.25	10.50	11.75	13.00	14.25
20	8.75	10.00	11.25	12.50	13.50
21	8.25	9.50	10.75	12.00	12.75
22	8.00	9.00	10.25	11.25	12.25
23	7.50	8.75	9.75	10.75	11.75
24	7.25	8.25	9.50	10.50	11.25
25	7.00	8.00	9.00	10.00	10.75
26	6.75	7.75	8.75	9.50	10.50
27	6.50	7.50	8.25	9.25	10.00
28	6.25	7.00	8.00	9.00	9.75
29	6.00	7.00	7.75	8.50	9.25
30	5.75	6.75	7.50	8.25	9.00
31	5.75	6.50	7.25	8.00	8.75
32	5.50	6.25	7.00	7.75	8.50
33	5.25	6.00	6.75	7.50	8.25
34	5.25	6.00	6.50	7.25	8.00
35 or More	5.00	5.75	6.50	7.25	7.75

**Employer's
Contribution
Rate**

1.75 2.00 2.25 2.50 2.70

Col. 11 Col. 12 Col. 13 Col. 14 Col. 15

**State
Experience
Factor**

Employer's Benefit Wage Percentage

1%	300.00%	330.00%	360.00%	400.00%	450.00%
2	150.00	165.00	180.00	200.00	225.00
3	100.00	110.00	120.00	133.25	150.00
4	75.00	82.50	90.00	100.00	112.50
5	60.00	66.00	72.00	80.00	90.00
6	50.00	55.00	60.00	66.75	75.00

7	42.75	47.00	51.50	57.25	64.25
8	37.50	41.25	45.00	50.00	56.25
9	33.25	36.75	40.00	44.50	50.00
10	30.00	33.00	36.00	40.00	45.00
11	27.25	30.00	32.75	36.25	41.00
12	25.00	27.50	30.00	33.25	37.50
13	23.00	25.50	27.75	30.75	34.50
14	21.50	23.50	25.75	28.50	32.25
15	20.00	22.00	24.00	26.75	30.00
16	18.75	20.50	22.50	25.00	28.00
17	17.75	19.50	21.25	23.50	26.50
18	16.75	18.25	20.00	22.25	25.00
19	15.75	17.25	19.00	21.00	23.75
20	15.00	16.50	18.00	20.00	22.50
21	14.25	15.75	17.25	19.00	21.50
22	13.75	15.00	16.25	18.25	20.50
23	13.00	14.25	15.75	17.50	19.50
24	12.50	13.75	15.00	16.75	18.75
25	12.00	13.25	14.50	16.00	18.00
26	11.50	12.75	13.75	15.50	17.25
27	11.00	12.25	13.25	14.75	16.75
28	10.75	11.75	12.75	14.25	16.00
29	10.25	11.25	12.50	13.75	15.50
30	10.00	11.00	12.00	13.25	15.00
31	9.75	10.75	11.50	13.00	14.50
32	9.50	10.25	11.25	12.50	14.00
33	9.00	10.00	11.00	12.00	13.75
34	8.75	9.75	10.50	11.75	13.25
35 or More	8.50	9.50	10.25	11.50	12.75

Employer's
Contribution
Rate

3.00

3.30

3.60

4.00

4.50

Col. 16

Col. 17

State
Experience
Factor

Employer's Benefit Wage Percentage

1%	500.00%
2	250.00
3	166.75
4	125.00
5	100.00
6	83.25
7	71.50
8	62.50

9	55.50
10	50.00
11	45.50
12	41.75
13	38.50
14	35.75
15	33.25
16	31.25
17	29.50
18	27.75
19	26.25
20	25.00
21	23.75
22	22.75
23	21.75
24	20.75
25	20.00
26	19.25
27	18.50
28	17.75
29	17.25
30	16.75
31	16.25
32	15.50
33	15.25
34	14.75
35 or More	14.25

Employer's
Contribution
Rate

5.00

5.40

“The provisions of this subsection (f) to the contrary notwithstanding, the rates of contribution shall, after having been determined as herein prescribed, be adjusted as follows for calendar years beginning after December 31, 1988 and ending prior to January 1, 1992:

If the rate of contribution specified by the table contained in this subsection	and the resulting rate of contribution is-	the employer's rate of contribution shall be-
Column 1	0.50%	0.44%
Column 2	0.75%	0.69%
Column 3	1.00%	0.94%
Column 4	1.25%	1.19%
Column 5	1.50%	1.44%
Column 6	1.75%	1.69%
Column 7	2.00%	1.94%

Column 8	2.25%	2.19%
Column 9	2.50%	2.44%
Column 10	2.70%	2.64%
Column 11	3.00%	2.94%
Column 12	3.30%	3.24%
Column 13	3.60%	3.54%
Column 14	4.00%	3.94%
Column 15	4.50%	4.44%
Column 16	5.00%	4.94%
Column 17 or above	5.40%	5.40%

“The adjustment in rates of contributions as are herein provided shall apply only to those employers who are required to pay contributions by the provisions of Section 25-4-51 and those non-profit organizations, hospitals, educational institutions, agencies of the State of Alabama and political subdivisions of the State who have, under the option permitted by Section 25-4-51, for that calendar year elected to pay contributions. The adjustment shall not apply to any employer who, because of insufficient unemployment experience, has not become eligible to have his rate of contribution determined by the method prescribed under this subsection (f); whose rate of contribution is determined to be 5.4%, or is above 5.4% and by the application of the adjustment would become a rate less than 5.4%; and all employers who being eligible for such option have elected the option to make payments in lieu of contributions.

“(g) Increase or decrease of contribution rate.—Contribution rates for each employer, and his employees when required by the provisions of section 25-4-52 and subdivision (4) of this subsection, determined pursuant to subsection (f) of this section, shall nevertheless be subject to increase as hereinafter provided.

“(1) The ‘benefits payroll ratio’ of the state for each fiscal year shall be determined by dividing the total of benefits paid, including the state’s portion of benefits paid under any extended benefit program, from the unemployment compensation fund within the preceding fiscal year, less any benefits paid for which payments in lieu of contributions have been paid or are currently due to be paid, by the statewide total of taxable payrolls of all employers upon which contributions have been paid during the same fiscal year, and by adjusting the quotient to the nearest multiple of one thousandth.

“(2) The ‘minimum normal amount’ of the unemployment compensation fund for each fiscal year shall be one and one-half times the amount determined by multiplying the highest statewide total of taxable payrolls of all employers upon which contributions have been paid during any one of the three most recent preceding fiscal years by the highest benefits payroll ratio for any one of the 10 most recent preceding fiscal years.

"(3) Whenever, at the end of any fiscal year, the fund is greater than the minimum normal amount for the next following fiscal year, the director shall on or before December 1, next following, so declare, and, effective for the 12-month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director as provided in subsection (f) of this section on the basis of each employer's benefit wage percentage computed for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar year as provided in subsection (e) of this section.

"(4) a. If at the end of any fiscal year the fund is less than the minimum normal amount for the next following fiscal year, the director shall on or before the December 1, next following, so declare. To be effective for the 12-month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for an employer shall be determined by the director from the table in subsection (f) of this section on the basis of each employer's benefit wage percentage determined for the said immediately succeeding calendar year and an increased state experience factor to be computed by multiplying the state experience factor for the said immediately succeeding year by two. In computing rates for calendar year beginning January 1, 1984, under this subsection the first 16 columns (and for calendar years beginning January 1, 1985, and thereafter, all columns) in the table in subsection (f) of this section shall be used. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line, the employer's contribution rate shall be five percent for the calendar year beginning January 1, 1984, and five and four-tenths percent for calendar years beginning January 1, 1985 and thereafter.

"b. 1. Notwithstanding any inconsistent provisions of this section, to the rates of contribution as determined by using the table in subsection (f) of this section there shall be added to such rate an emergency surcharge of 25 percent of the determined rate, adjusted to the next nearest even one-tenth percent, beginning January 1, 1983. It is provided, however, that by the application of the surcharge no employer's rate shall be increased more than seven-tenths of one percent. Such surcharge shall remain in effect until the January 1 next following the end of any fiscal year at the end of which the balance in the state's unemployment trust fund is an amount equal to, or in excess of, 75 percent of the minimum normal amount, computed under the provisions of subdivision (2) of this subsection (g) for the next following fiscal year.

"2. Subsequent to the termination of the emergency surcharge, as provided in subparagraph 1 of this paragraph b, there shall be,

effective for any calendar year thereafter which begins not less than one year after the preceding termination, the surcharge, if at the end of any fiscal year immediately prior thereto is a trust fund balance of less than 70 percent of the balance required to equal the minimum normal amount for the next following fiscal year and shall thereafter terminate under the conditions prescribed in subparagraph 1 of this paragraph b.

"c. When the state experience factor is required to be multiplied by two, as heretofore provided, each employee employed by an employer subject to this chapter shall, except as provided in section 25-4-52, contribute to the fund throughout the next immediately succeeding calendar year, and effective with wages for employment paid to him on or after the first day of such calendar year, at the rate of one-half of one percent. It is provided, however, that, in lieu of the rate provided in this paragraph c, for the period beginning January 1, 1983, and subject to the further provisions of this paragraph c, for each calendar year thereafter, the rate of contribution by the employee shall be one percent. The rate of contribution provided for herein shall end on the first January 1, next following the end of any fiscal year at the end of which the balance in the state's trust fund is at least 75 percent of the minimum normal amount as computed under the provisions of subdivision (2) of this subsection (g) for the next following fiscal year. Thereafter the provisions of this paragraph c and section 25-4-52 to the contrary notwithstanding, there shall be no employee contributions made under this chapter for any calendar year.

"(5) Any amount credited to this state's account under section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be included in the trust fund balance in determining whether or not such fund is greater or less than the minimum normal amount for a fiscal year.

"(6) The director shall notify each employer of such declaration and change in state experience factor and of his benefit wage percentage and his contribution rate within 30 days after each such January 1, and, when contributions are required of employees under the provisions of this section, notice of such requirements shall be given the employer not later than 10 days prior to the effective date of such contributions. This subdivision (6) shall not apply to employers who, in lieu of contributions, reimburse the fund for benefits paid.

"(h) Review of contribution rate, etc.—Any employer may apply to the director for and shall be entitled to a review as to the determination of his benefit wage percentage and his contribution rate as fixed by his benefit wage percentage, provided such application

is filed within 30 days of the date of the mailing by the director to the employer of the notice of such determination. Pending such review such employer shall, when required by subsection (g) of this section, withhold and transmit employee contributions and make all contribution payments otherwise required by this chapter at contribution rates fixed by the determination sought to be reviewed and resulting overpayments or underpayments of contributions by the employer shall, upon any redetermination, be adjusted or refunded pursuant to section 25-4-137. Any employer may within 30 days after the date of mailing by the director to such employer of notice of the ruling of the director upon such application for review appeal such ruling to the circuit court of any county wherein the employer is engaged in doing business, upon such terms and upon giving such security for costs as the court may upon application prescribe. Trial in that court shall be de novo with respect to his benefit wage percentage.

“(i) Contribution rate, etc., of successor employer.—For the purpose of this section, an employer’s benefit wages and that part of his taxable payroll with respect to which contributions have been paid, shall be deemed benefit wages and taxable payrolls of a successor employer and shall be taken into account in determining the contribution rate of such successor employer as provided in subsection (f) of this section, if such successor succeeds the employer in any of the manners set out in paragraph (a) (4) a of section 25-4-8; provided, that an employer subject to this chapter who becomes such in any of the manners set out in paragraph (a) (4) b of section 25-4-8 may have that portion of his predecessor’s benefit wages and that part of his predecessor’s total taxable payroll, with respect to which contributions have been paid which correspond to the segregable portion of the business assets and payroll thereof, acquired from his predecessor, deemed to be his benefit wages and his payroll and such shall be taken into account in determining his rates, as provided in subsection (f) of this section; provided, that he:

“(1) Makes written application within 90 calendar days from the date of such acquisition; and

“(2) Furnishes to the director within 120 calendar days from the date of such acquisition a transcript of such total and taxable payrolls which correspond to the segregable portion acquired from his predecessor; provided further that in the event that within the intervening 120 days a notice of his rate of contribution has been mailed to the partial successor, the 30-day finality provision set forth in subsection (h) of this section shall not prevail but, instead, be effective with respect to the subsequent notice computed on the basis of the benefit wages and taxable payrolls of the acquired segregable portion.”

Section 5. Section 25-4-143, Code of Alabama 1975, as amended, is hereby amended to read as follows:

“§ 25-4-143.

“All moneys in the unemployment administration fund, the special employment security administration fund, the special federal advance interest repayment fund and the employment security administration enhancement fund, or any appropriated by the state or granted by the federal government in accordance with the provisions of the Wagner-Peyser Act or other federal or state laws at any time are hereby appropriated to the director for the administration of this chapter.”

Section 6. All laws and parts of laws in conflict herewith are hereby repealed.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 8. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 14, 1988

Time: 11:18 A.M.

Act No. 88-784

H. 188—Reps. Laird, Drake, White (F),
Richardson, Ford, Junkins,
Mikell, Johnson (RG),
Johnson (RW), Turner,
Haynes, Walker, Turnham,
Carter, Beasley, Layson,
Bryant, Black, Penry,
Carothers, Hammett,
Breedlove, Faulk, Williams
and Harvey

AN ACT

To amend sections 25-4-72, 25-4-73, 25-4-76 and 25-4-77, Code of Alabama 1975, relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-72, Code of Alabama 1975, is hereby amended to read as follows:

“§25-4-72.

“(a) For weeks of unemployment during benefit years which begin before the effective date of subsection (b) of this section, an individual's weekly benefit amount shall be as prescribed by this section as amended through February 1983.

“(b) For weeks of unemployment during benefit years beginning on or after January 1, 1989, an individual's weekly benefit amount shall be an amount equal to one twenty-fourth of the average of the wages for insured work paid to him during the two quarters of his base period in which such total wages were the highest; except, that:

“(1) If the amount thus derived is not a multiple of \$1.00, fractional parts of \$1.00 in excess of \$.50 shall be rounded to the next higher multiple of \$1.00 and fractional parts of \$1.00 which are \$.50 or less shall be dropped to the next lower multiple of \$1.00.

“(2) If the amount derived before the application of subdivision (1) of this subsection is not in excess of \$21.50, there shall be no weekly benefit amount.

“(3) If the amount thus derived is more than \$144.50, the weekly benefit amount shall be \$145.00.

“(c) If, as a condition for approval of this section for full tax credit against the tax imposed by the federal Unemployment Tax Act, federal law should require a greater maximum weekly benefit amount than that provided herein, then the maximum weekly benefit amount shall be the minimum required by any such federal law for such approval.

“(d) Nothing herein shall serve to deprive any individual of any benefit for which he had qualified in any benefit year beginning prior to the effective date of the provisions of subsection (b) of this section.”

Section 2. Section 25-4-73, Code of Alabama 1975, is hereby amended to read as follows:

“§25-4-73.

“(a) Each eligible individual who is totally unemployed or partially unemployed in any week beginning on or after July 3, 1983, shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount, less that part of the wages, if any, payable to him with respect to such week which is in excess of \$15.00. Such benefit, if not a multiple of \$1.00, shall be computed to the nearest multiple of \$1.00.

“(b) With respect to weeks beginning prior to January 1, 1989, each eligible individual shall be paid with respect to such week as was provided in this section prior to such date.”

Section 3. Section 25-4-76, Code of Alabama 1975, is hereby amended to read as follows:

“§25-4-76.

“(a) As used in this section, ‘maritime employment’ means employment in connection with the construction, repair, loading or unloading of vessels, and in connection with the handling of cargoes for vessels. The director shall, after a study of previous employment records and after investigation and hearing, determine, and may thereafter from time to time redetermine which industries are maritime industries within the meaning of this section. Until such determination by the director, no industry shall be deemed to be a maritime industry.

“(b) The term ‘maritime worker’ means an employee who is customarily or regularly employed in ‘maritime employment,’ such as men engaged in the construction or repair of vessels and in the operation of plants at which vessels are constructed or repaired, and it shall include longshoremen, dock workers, harbor workers and other employees in occupations which, after the director has studied the nature thereof and the employment record of workers engaged therein, are found to be occupations in which employment regularly continues throughout substantially all the year.

“(c) The provisions of section 25-4-72 shall in all respects govern the benefit rights of a maritime worker, except that the weekly benefit amount of such a worker shall be determined from ‘the average quarterly earnings’ paid such worker during his base period, instead of from the ‘average of the wages for insured work paid to him during the two quarters of his base period in which such total wages were the highest.’ If a ‘maritime worker’ has not been engaged in maritime employment for substantially the whole of his base period, the director shall determine his average quarterly earnings on the basis of his earnings during the time he has actually been engaged in such maritime employment within his base period.”

Section 4. Section 25-4-77, Code of Alabama 1975, is hereby amended to read as follows:

“§25-4-77

“(a) An unemployed individual shall be eligible to receive benefits with respect to any week in a benefit year which begins on or after January 1, 1989, only if the director finds that:

“(1) He has made a claim for benefits with respect to such week in accordance with such regulations as the director may prescribe.

“(2) He has registered for work at, and thereafter continued to report at, a state employment office in accordance with such regulations as the director may prescribe; except, that the director may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive, or would be inconsistent with purposes of this chapter.

“(3) He is physically and mentally able to perform work of a character which he is qualified to perform by past experience or training, and he is available for such work either at a locality at which he earned wages for insured work during his base period or at a locality where it may reasonably be expected that such work may be available. Notwithstanding any of the provisions of this subdivision, no otherwise eligible individual shall be denied benefits for any week because he or she is:

“a. Enrolled in a course of training with the approval of the director. Such approval shall be conditioned upon the following:

“1. The individual's skills are obsolete or such that there are minimal opportunities for employment;

“2. Training is for an occupation for which there is a substantial and recurring demand;

“3. Training is not a course of education for credit toward a degree;

“4. The individual possesses aptitudes or skills which can be supplemented by retraining within a reasonable time;

“5. The individual produces satisfactory evidence of continued attendance and satisfactory progress; or

“b. In training approved by the director under section 236 (a)(1) of the Trade Act of 1974, nor shall such individual be denied benefits (any other provision of this chapter requiring denial notwithstanding) by reason of leaving work to enter such training; provided,

“1. The work left is not suitable employment as defined in paragraph c of this subdivision, or

“2. Because of the application to any such week in training of provisions in this chapter (or any applicable federal unemployment compensation law) relating to availability for work, active search for work or refusal to accept work.

“c. For purposes of paragraph b of this subdivision (3), and only therefor, the term ‘suitable employment’ means with respect to an individual, work of a substantially equal or higher skill level than

the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than 80 percent of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

"(4) He has been totally or partially unemployed in such week.

"(5) He has made a reasonable and active effort to secure work which he is qualified to perform by past experience and training, unless such failure is because the individual is before any court of the United States or any state pursuant to a lawfully issued summons to appear for jury duty. For the purposes of this subdivision, the entitlement to regular or extended benefits of any individual who is determined not to be actively engaged in seeking work during any week for the aforesaid reason, shall be determined pursuant to the provisions of subdivision (3) of this subsection (a) without regard to the disqualification provisions otherwise applicable under paragraph b of subdivision 25-4-75(i)(1) and subdivision (2) of subsection 25-4-75(i). Further, for the purposes of this subdivision, the term 'jury duty' means the performance of service as a juror, during all periods of time an individual is engaged in such service, in any court of a state or the United States pursuant to the law of the state or the United States and the rules of the court in which the individual is engaged in the performance of such service.

"(6) He has during his base period been paid more than \$774.01 wages for insured work and in addition been paid wages for insured work equal to or exceeding one and one-half times the total of the wages for insured work paid to him in that quarter of such base period in which such total wages were the highest; provided, however, that no otherwise eligible individual who shall have received benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless and until such otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, shall have worked in insured employment for which work he earned wages equal to at least eight times the weekly benefit amount established for such individual in the preceding benefit year.

"(b) With respect to any week which begins prior to January 1, 1989, an unemployed individual shall be eligible to receive benefits as provided in this section prior to that date.

"(c) The provisions of subdivision (5) of subsection (a) shall be applied only to any week which begins on or after March 22, 1984."

Section 5. This act to take effective on January 1, 1989.

Approved September 14, 1988

Time: 11:19 A.M.

Act No. 88-785

H. 233—Rep. Hettinger

AN ACT

To impose an excise tax on illegal possession, distribution, sales, use and other transactions involving certain drugs or controlled substances and to provide for disposition of the proceeds of the tax; and to provide for criminal penalties for violating this act.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the following words shall have the meanings herein ascribed, except where the context directly requires otherwise:

- (1) COMMISSIONER means the commissioner of revenue.
- (2) CONTROLLED SUBSTANCE means any drug or substance, whether real or counterfeit, as defined in the Alabama Uniform Controlled Substances Act, that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Alabama laws. "Controlled substance," as used in this act, does not include marijuana.
- (3) DEALER means a person who in violation of Alabama law manufactures, produces, ships, sells, uses, distributes, transports, or imports into Alabama or in any manner acquires or possesses more than 42-1/2 grams of marijuana, or seven or more grams of any controlled substance, or ten or more dosage units of any controlled substance which is not sold by weight, provided that said controlled substance, as measured by weight or dosage units, shall include the weight or dosage units of the substance whether pure, impure, or diluted, in the dealer's possession. A quantity of a controlled substance is diluted if it consists of a detectable quantity of a pure controlled substance and any excipients or fillers.
- (4) DEPARTMENT means department of revenue of the state of Alabama.
- (5) DOSAGE UNIT is herein defined as a tablet, capsule, vial, or ampule of a controlled substance or, in cases of mass volume or diluted quantities, the proper dose or quantity of a controlled substance to be taken all at one time or in fractional amounts within a given period, as defined and adopted by the United States Pharmacopeia.
- (6) MARIJUANA means any marijuana, whether real or counterfeit, as defined in section 20-2-2, Code of Alabama 1975, as amended, that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Alabama laws.

(7) POSSESSION shall be defined, for the purposes of this act, to include either actual possession, or constructive possession, or a combination of both actual and constructive possession.

Section 2. The commissioner of revenue shall administer the provisions of this act. Payments required by this act shall be made to the commissioner on the form provided by the commissioner. The commissioner shall collect all taxes under this act.

Section 3. The said commissioner may promulgate rules and regulations necessary to enforce and administer the revenue and taxation provisions of this act and shall adopt a uniform system of providing, affixing, and displaying official stamps, official labels, or other official indicia for marijuana and controlled substances on which a tax is imposed.

Section 4. No dealer may possess, distribute, sell, transport, import, transfer, or otherwise use any marijuana or controlled substance upon which a tax is imposed by section 8 unless the tax has been paid on the marijuana or other controlled substance as evidenced by a stamp or other official indicia.

Section 5. Nothing in this act may in any manner provide immunity for a dealer from criminal prosecution pursuant to Alabama law.

Section 6. Nothing in this chapter requires persons registered under section 20-2-51, Code of Alabama 1975, as amended, or otherwise lawfully in possession of marijuana or a controlled substance, to pay the tax required under this act.

Section 7. For the purpose of calculating the tax under section 8, an amount of marijuana or other controlled substance is measured by the weight of the substance or by number of dosage units in the dealer's possession.

Section 8. A tax is imposed on marijuana and controlled substances as defined in section 1 at the following rates:

- (1) on each gram of marijuana, or each portion of a gram, \$3.50; and
- (2) on each gram of controlled substance, or portion of a gram, \$200.00; or
- (3) on each 50 dosage units of a controlled substance that is not sold by weight, or portion thereof, \$2,000.00.

Section 9. (a) Any dealer violating this act is subject to a penalty of 100 percent of the tax in addition to the tax imposed by section 8. In addition to the tax and penalty imposed, a dealer failing to affix the appropriate stamps, labels, or other indicia is guilty of

a Class C felony, and, upon conviction, may be punished as provided in the Alabama Criminal Code. Such penalty shall be cumulative to any other penalty or crime.

(b) Notwithstanding any other provision of the criminal laws of this state, an indictment may be found and filed upon any criminal offense specified in this section, in the proper court within six years after the commission of this offense.

Section 10. Official stamps, labels, or other indicia to be affixed to all marijuana or controlled substances shall be purchased from the department of revenue. The purchaser shall pay 100 percent of face value for each stamp, label, or other indicia at the time of the purchase. The department shall make the stamps, labels, or other indicia in denominations as provided by the department by regulation.

Section 11. (a) When a dealer purchases, acquires, transports, or imports into this state marijuana or controlled substances on which a tax is imposed by section 8, and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

(b) Payable on possession. Taxes imposed upon marijuana or controlled substances by this act are due and payable immediately upon acquisition or possession in this state by a dealer.

Section 12. (a) An assessment for a dealer not possessing stamps or other official indicia showing that the tax has been paid shall be considered a jeopardy assessment or collection, as provided in section 40-29-91, Code of Alabama 1975, as amended. The commissioner shall assess a tax based on personal knowledge or information available to the commissioner, mail to the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax; demand its immediate payment; and, if payment is not immediately made, collect the tax by any method prescribed in either section 40-2-11 or section 40-29-23, Code of Alabama 1975, as amended, except that the commissioner need not await the expiration of the times specified in section 40-29-23, nor shall he be required to obtain a circuit court order to levy upon any assets or other property to obtain immediate collection of the tax.

(b) No person may bring suit to enjoin the assessment or collection of any taxes, interest, or penalties imposed by this act except law enforcement officials when acting for the purpose of carrying out Section 13(d) of this Act.

(c) The tax and penalties assessed by the commissioner are presumed to be valid and correctly determined and assessed. The

burden is upon the taxpayer to show their incorrectness or invalidity. Any statement or assessment filed by the commissioner with any court, or any other certificate by the commissioner of the amount of tax and penalties determined or assessed is admissible in evidence and is prima facie evidence of the facts it contains.

Section 13. (a) Notwithstanding any law to the contrary, neither the commissioner nor a public employee may reveal facts contained in a report or return required by this act, nor can any information contained in such a report or return be used against the dealer in any criminal proceeding, except in connection with a proceeding involving taxes due under this act, unless such information is independently obtained.

(b) Any person violating this section shall be guilty of a Class C misdemeanor.

(c) This section does not prohibit the commissioner of revenue from publishing statistics that do not disclose the identity of dealers or the contents of particular returns or reports.

(d) Notwithstanding any provision of this act or any other provision of law, including the Revenue Code, collection of any taxes under this act or imposition of any revenue liens arising as a result of this act, shall not interfere with any forfeiture and condemnation of money or any other type or kind of property whatsoever under the drug forfeiture laws of this state, or with any distribution of property or funds under the drug forfeiture laws of this state. Regardless of the order in which proceedings are begun, condemnation and forfeiture of money or any other type or kind of property whatsoever and distribution of property and funds under the drug forfeiture laws of this state shall always take precedence over any proceedings to collect taxes under this act.

Section 14. For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the dealer should have made a return or paid taxes, or collecting any taxes under this act, the commissioner may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making such determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the dealer or another person. The commissioner may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. The commissioner may issue subpoenas which may be served by authorized agents of the department of revenue to compel the attendance of witnesses or

the production of documents, books, papers, records, bank records, and any other writing or memoranda.

Section 15. All taxes or other funds received or collected by the department of revenue of the state of Alabama under the provisions of this act remaining after the payment of the expenses of administration and enforcement of this act shall be deposited into the state treasury to the credit of the state general fund.

Section 16. It is declared to be the intent of this act to levy this tax upon illegal drugs in an effort to compensate for the lost revenue from a section of the economy that has not heretofore borne its fair share of the tax burden. This act is not intended to inculcate anyone or otherwise cause any individual to incriminate himself or herself in violation of that person's constitutional rights.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. The provisions of this act shall be cumulative to any and all other laws, or parts of laws relating to drugs, controlled substances and crimes and penalties relating thereto.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed only to the extent of such conflict.

Section 20. This act shall become effective the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 14, 1988

Time: 11:17 A.M.

Act No. 88-786

H. 104—Rep. Layson

AN ACT

Relating to Pickens County; providing an expense allowance for members of the board of registrars retroactive to October 1, 1985, and providing that such expense allowance shall remain in effect either until September 30, 1991 or until the provisions of Act 88-659 of the 1988 Regular Session are implemented, whichever occurs first, at which occurrence the county governing body shall by resolution either terminate or continue such expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of registrars of Pickens County shall be entitled to an expense in the amount of \$75.00 per

month payable from the county general fund retroactive to October 1, 1985. Such expense allowance shall remain in effect either until September 30, 1991 or until the provisions of Act 88-659 of the 1988 Regular Session are implemented, whichever occurs first, at which occurrence the county governing body shall by a resolution spread upon its minutes either terminate or continue such expense allowance. Such expense allowance shall be paid in lieu of all other expense allowances heretofore provided by law for such registrars.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 16, 1988 without approval by the Governor.

Act No. 88-787

H. 302—Reps. Bugg and Junkins

AN ACT

Relating to Etowah County, providing further for the expense allowance of the constable and providing for a retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The constable of the District Court of Etowah County shall be paid an additional expense allowance of \$250.00 per month. Said expense allowance shall be in addition to all other expense allowances heretofore or hereafter provided by law and shall be paid from the county general fund.

Section 2. The provisions of this act shall have retroactive effect to April 12, 1988, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 16, 1988 without approval by the Governor.

Act No. 88-788

S. 25—Senator Bedford

AN ACT

Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Franklin County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of registrars an expense allowance in an amount of five dollars (\$5.00) per day. It is the intent of this legislation to neither increase nor decrease the compensation of members of the Board of Registrars.

Section 2. The expense allowance paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the members actually attend meetings.

Section 3. The operation of this act shall be retroactive to May 4, 1982, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 15, 1988 without approval by the Governor.

Act No. 88-789

S. 31—Senator Drinkard

AN ACT

Relating to Etowah County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the next term of office or upon the occurrence of a vacancy, for any reason whatsoever, in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Etowah County. Such commissioner shall be elected at the general election immediately preceding the expiration of the term of office, and at the general election every six years thereafter. The commissioner shall serve for a term of six years beginning on the first day of October next after election, and until the successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed by the tax assessor or by the tax collector of the county relative to

the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessment for and the collection of taxes.

Section 3. The county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by Section 40-5-3, Code of Alabama 1975, as amended, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary equal to sixty-five percent (65%) of the combined salaries of the tax assessor and tax collector, as provided by law, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of the tax assessor and tax collector of Etowah County are hereby abolished effective the first day of the next term of office, or upon the occurrence of a vacancy, for any reason whatsoever, in the office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant before the next term, the office of county revenue commissioner shall immediately come into operation, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and

shall perform such duties until a county revenue commissioner has been elected as provided herein. For the performance of such duties, he shall be entitled only to the salary herein above prescribed for the county revenue commissioner.

Section 8. The provisions of this act shall become operative in Etowah County, only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election to be held at the next general, special or constitutional election, or county-wide election. Said election may be held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows:

"Shall Act No. _____ of the 1988 Regular Session of the Legislature which provides for the abolition of the offices of tax assessor and tax collector of Etowah County and the consolidation of the duties of these officers into the one office to be known as the county revenue commissioner, be approved? Yes _____ No _____."

If a majority of the votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Etowah County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 9. It is the purpose of this act to promote the public convenience in Etowah County by consolidating the offices of tax assessor and tax collector into one office.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

This Act became a law under Section 125 of the Constitution on September 15, 1988 without approval by the Governor.

Act No. 88-790

S. 33—Senator Drinkard

AN ACT

Providing for the filling of vacancies, for whatever nature, in the public offices in Etowah County; prescribing the election procedure for certain vacancies for more than one year remaining; prescribing the manner of operating any vacant office for an unexpired term of less than a year; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever a vacancy occurs, for any reason whatsoever, in any Etowah County office more than one year before the expiration of the term of office, the Etowah County Commission shall forthwith order an election to be held by the qualified electors of the county to fill such vacancy. Such election shall otherwise be held and conducted in the same manner as provided by law for county-wide or special elections.

Section 2. In the event the unexpired term is for less than a year, the county commission shall, at their discretion, either make an appointment for the unexpired term or oversee the operation of the vacant office. Provided, however, that no person appointed nor any member of the county commission shall be eligible to immediately qualify to hold the same office subsequent to such special election without the elapse of one full term. Thereafter, such person shall be eligible to qualify for said office, as provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 15, 1988 without approval by the Governor.

Act No. 88-791

S. 11—Senator Campbell

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Decatur in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Property located within Section 28, Township 5 South, Range 5 West, Morgan County, Alabama, and further described as beginning at the southeast corner of the SW1/4 of Section 28, Township 5 South, Range 5 West, a point on the corporate limits of Decatur, Alabama, and the true point of beginning, of the tract herein described; thence north along the east boundary of the West 1/2 of said Section 28 to a point on the north right-of-way margin of New Highway No. 24 (Gordon Terry Parkway); thence in a southwesterly direction along the north right-of-way margin of New Highway No. 24 (Gordon Terry Parkway) to a point on the west boundary of said Section 28; thence south along said west boundary of Section 28 to the southwest corner of said Section 28; thence east along the south boundary of said Section 28 to the true point of beginning, lying and being within Section 28, Township 5 South, Range 5 West, Morgan County, Alabama, and containing 231.15 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 15, 1988 without approval by the Governor.

Act No. 88-792

S. 12—Senator Campbell

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hartselle in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

A tract or parcel of land containing 73 acres, more or less, lying and being in the South 1/2 of Section 9 and the N 1/2 of Section

16, Township 7 South, Range 4 West, Morgan County, Alabama, and more particularly described as follows:

Beginning at a point where the west boundary of the NE-1/4 of the NW-1/4 of Section 16, Township 7 South, Range 4 West, Morgan County, Alabama, intersects the north right-of-way margin of Alabama Highway No. 36, and the true point of beginning of the tract herein described; thence from THE TRUE POINT OF BEGINNING run North along the west boundary of the NE-1/4 of the NW-1/4 of said Section 16 a distance of 788.5 feet to a point on the south boundary of Section 9, Township 7 South, Range 4 West, Morgan County, Alabama; thence North along the west boundary of the East half of the SW-1/4 of said Section 9 and also along the west boundary of Hampton Subdivision as recorded in the Office of the Judge of Probate for Morgan County, Alabama, in Plat Book 4, at Page 5, a distance of 1650.0 feet, more or less, to a point; thence East a distance of 1320.0 feet, more or less, to a point on the east boundary of the SW-1/4 of said Section 9, said point also being on the existing Hartselle Corporate City Limit Line; thence South along the existing Hartselle Corporate City Limit Line and the east boundary of the SW-1/4 of said Section 9 a distance of 335.0 feet, more or less, to a point; thence East along the existing Hartselle Corporate City Limit Line a distance of 30.0 feet, more or less, to a point on the northwest corner of Lot 1, Block "A", Ward Subdivision as recorded in the Office of the Judge of Probate for Morgan County, Alabama, in Plat Book 5, at Page 79, said point also being on the east right-of-way margin of Shaw Road; thence South along the east right-of-way margin of Shaw Road and along the existing Hartselle Corporate City Limit Line a distance of 425.0 feet to the northwest corner of Lot 3, Block "B", of said Ward Subdivision; thence East along the north boundary of Lot 3, Block "B", of said Ward Subdivision and also along the existing Hartselle Corporate City Limit Line a distance of 175.0 feet to the northeast corner of Lot 3, Block "B", of said Ward Subdivision; thence South along the east boundary of Lot 3, Block "B", of said Ward Subdivision and also along the existing Hartselle Corporate City Limit Line a distance of 100.0 feet to the southeast corner of Lot 3, Block "B", of said Ward Subdivision; thence West along the south boundary of Lot 3, Block "B", of said Ward Subdivision and also along the existing Hartselle Corporate City Limit Line a distance of 175.0 feet to a point on the east right-of-way margin of Shaw Road; thence South along the east right-of-way margin of Shaw Road and also along the existing Hartselle Corporate City Limit Line a distance of 542.96 feet to a point; thence East along the existing Hartselle Corporate City Limit Line a distance of 333.75 feet to a point; thence South along the existing Hartselle Corporate City Limit Line a distance of 261.02 feet to a point on the north boundary of said Section 16; thence West along the north

boundary of said Section 16 a distance of 248.75 feet to a point; thence South a distance of 554.5 feet to a point on the northerly right-of-way margin of Alabama Highway No. 36; thence in a southwesterly direction along the northerly right-of-way margin of Alabama Highway No. 36 a distance of 1454 feet, more or less, to THE TRUE POINT OF BEGINNING, lying and being within the NE-1/4 of the NW-1/4 and the NW-1/4 of the NE-1/4 of Section 16, and within the east-half of the SW-1/4 and the SW-1/4 of the SE-1/4 of Section 9, all in Township 7 South, Range 4 West, Morgan County, Alabama, and containing 75 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 15, 1988 without approval by the Governor.

Act No. 88-793

H.J.R. 112—Rep. Gray

HOUSE JOINT RESOLUTION

DESIGNATING NOVEMBER 14, 1988, AS "OPERATION BLESSING DAY" IN ALABAMA.

WHEREAS, on November 14, 1978, "OPERATION BLESSING" was launched by Christian Broadcasting Network President, Pat Robertson, as a means of helping clothe and feed the poor and hungry according to Isaiah 58:6-14; and

WHEREAS, the name "OPERATION BLESSING" is derived from the fact that all involved will either bless or be blessed and is based on the fulfillment of the condition given in Isaiah 58:7 and the reward set forth in the next two verses:

"Is it not to divide your bread with the hungry and bring the homeless poor into the house? when you see the naked, to cover him?—then your recovery will spring forth: and your righteousness will go before you: the glory of the Lord will be your rear guard. Then you will call and the Lord will answer: You will cry, and He will say, 'Here I am.'"; and

WHEREAS, the essence of this program is to provide a means whereby the local church, its members and CBN, as well, can be a blessing to the people of God, influence their communities for good, and be blessed of God; and

WHEREAS, "Operation Blessing" is not, in any sense, an attempt to compete with or to supplant presently existing humanitarian

outreaches; rather, it is an extension of the church, aimed primarily at those within the community of committed Christians who have need—"These are my brethren" (Matthew 25:31-46)—and it calls for maximum participation by those who love the Lord and who want to be faithful to God's oft-expressed admonition to attend lovingly to the needs of the poor, or to whichever member of the household of God who may be experiencing difficult times; and

WHEREAS, "Operation Blessing" is many things to many people: it's money for a fuel bill; it's a matching service for elderly people on fixed incomes needing companions to share homes and expenses; it's physicians and plumbers and dentists and laborers volunteering their services to the indigent; it's beauticians giving their professional services in homes for the elderly; it's a funeral home contributing its service to a family too poor to pay; it's a refrigerator for a family without one, donated by a family with one to spare; it's money for the rent or mortgage payment when there is none; it's a car for urgently needed transportation, donated by an individual with a desire to help another; it's all that and much more—ultimately, "Operation Blessing" is one way of obeying God's command that we "Love one another"; and

WHEREAS, an average of over \$8,000.00 monthly is used for this purpose by cooperating churches, ministries and businesses helping about one thousand four hundred people in the Alabama area and there are an average of fifty people each month who are saved and become members of the local churches who ministered to them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate November 14, 1988, the 10th anniversary of "Operation Blessing," as "OPERATION BLESSING DAY" in the State of Alabama.

Approved September 15, 1988

Time: 4:55 P.M.

Act No. 88-794

H. 43—Rep. Harper

AN ACT

This bill provides for a supplemental appropriation of \$80,000 from the state general fund to the State Treasurer's Office for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the state general fund, for the fiscal year ending September 30, 1988, the sum of

\$80,000 to the State Treasurer's Office. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the State Treasurer's Office.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1988

Time: 4:10 P.M.

Act No. 88-795

H. 297—Rep. Payne

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to empower the legislature from time to time by local act to authorize or require the Jefferson County Commission to prohibit the overgrowth of weeds and the storage and accumulation of certain junk, motor vehicles and litter and to provide for the implementation, administration and enforcement of said prohibition and the assessment of certain criminal penalties; and to also provide for the validation of certain acts.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The legislature may from time to time by local act authorize or require the Jefferson County Commission to:

(a) prohibit the overgrowth of weeds and the storage and accumulation of junk, inoperable motor vehicles and other litter;

(b) implement, administer and enforce said prohibition and;

(c) assess criminal penalties for violations thereof. All existing local acts pertaining to Jefferson County relating to the subject of this constitutional amendment enacted prior to the adoption and ratification of this constitutional amendment are hereby validated.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Jefferson County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House September 7, 1988

Passed the Senate September 20, 1988

Act No. 88-796

H. 178—Reps. Bugg, Junkins and Ford

AN ACT

Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted in Section 12-19-90(d), Code of Alabama 1975, the probate judge of Etowah County shall set the fee for supplying a copy of an instrument. Said fee shall be in lieu of any other fee prescribed by law for said service. Said money shall be charged and deposited by the probate judge into a special fund kept by the probate judge. Such special fund shall be expended by the probate judge, at his discretion, for the general operations of his office.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding on September 20, 1988.

Act No. 88-797

S. 35—Senators Drinkard, Rice, Foshee,
Hale, Denton, Horn, Goodwin,
Dial, Bedsole, Hand, Bishop,
deGraffenried, Cabaniss,
Smith (J), Holmes, Amari,
Bennett, Campbell, Menton,
Langford and Hilliard

AN ACT

To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-13A-2, Code of Alabama 1975, is hereby amended to read as follows:

"5-13A-2. Definitions.

Notwithstanding any other provision of law, for the purposes of this chapter, the following terms shall have the meaning ascribed by this section:

(1) **ACQUIRE:**

a. The merger or consolidation of one bank holding company with another bank holding company;

b. The acquisition by a bank holding company of the direct or indirect ownership or control of voting shares of a bank or of another bank holding company if, after such acquisition, such bank holding company will directly or indirectly own or control more than five percent of any class of voting shares of such other bank holding company or bank;

c. The direct or indirect acquisition by a bank holding company of all or substantially all of the assets of a bank or of another bank holding company; or

d. Any other action, that would result in the direct or indirect control by a bank holding company of a bank or of another bank holding company.

(2) **BANK.** Any "insured bank" as such term is defined in Section 3(h) of the Federal Deposit Insurance Act, 12 U.S.C. §1813

(h), or any institution eligible to become an insured bank as such term is defined therein, which, in either event:

a. Accepts deposits that the depositor has a legal right to withdraw on demand; and

b. Engages in the business of making commercial loans.

(3) **BANK HOLDING COMPANY.** Any company which is a bank holding company under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. §1841(a).

(4) **BANKING OFFICE.** Any bank, branch of a bank, or other office at which a bank accepts deposits; however, the term "banking office" does not include any:

a. Unmanned automatic teller machine, point-of-sale terminal, or other similar unmanned electronic banking facility at which deposits may be accepted;

b. Office located outside the United States; or

c. Loan production office, trust production office, representative office, or other office at which deposits are not accepted.

(5) **CONTROL** has the meaning set forth in Section 2(a) of the Bank Holding Company Act of 1956, as amended, 12 U.S.C. §1841(a).

(6) **DEPOSITS.** All demand, time, and savings deposits of individuals, partnerships, corporations, the United States, and states and political subdivisions in the United States, but does not include deposits of banks or foreign governments or institutions or deposits held by foreign banking offices or corporations organized pursuant to Sections 25 or 25(a) of the Federal Reserve Act, as amended, 12 U.S.C. §§601-604a or 12 U.S.C. §§611-631. Determination of deposits shall be made with reference to regulatory reports of condition or similar reports filed by banks with state or federal regulatory agencies pursuant to rules established by the superintendent.

(7) **PRINCIPAL PLACE OF BUSINESS** of a bank holding company. The state in which the total deposits of the bank subsidiaries of the bank holding company are the largest.

(8) **ALABAMA BANK.** A bank which is organized under the laws of this state or the United States and which has banking offices located only in this state.

(9) **ALABAMA BANK HOLDING COMPANY.** A bank holding company:

a. Which has its principal place of business in this state;

b. Of which more than 80 percent of the total deposits of its bank subsidiaries are held by bank subsidiaries located within the region; and

c. Which is not controlled by a bank holding company other than an Alabama bank holding company.

(10) REGION. The states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and the District of Columbia.

(11) REGIONAL BANK. A bank which is organized under the laws of the United States or of one of the states in the region other than this state and which has banking offices located only in states within the region.

(12) REGIONAL BANK HOLDING COMPANY. A bank holding company other than an Alabama bank holding company:

a. Which has its principal place of business in a state within the region;

b. Of which more than 80 percent of the total deposits of its bank subsidiaries are held by regional bank subsidiaries located within the region;

c. Which is not controlled by a bank holding company other than a regional bank holding company; and

d. Which is not, and is not controlled by, a "foreign bank" as defined in the International Banking Act of 1978, 12 U.S.C. §3101(7).

(13) SUBSIDIARY has the meaning set forth in Section 2(d) of the Bank Holding Company Act of 1956, as amended, 12 U.S.C. §1841(d).

(14) SUPERINTENDENT. The superintendent of banks of this state."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. To the extent other laws or parts of laws, whether general, local, or general laws of local application, conflict with this Act, such other laws or parts of laws are hereby amended to the extent of such conflict as necessary to permit full effectiveness of the provisions of this Act; provided however, nothing contained in this Act shall be construed to amend or modify the provisions of section 5-5A-20, as currently amended.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:46 P.M.

Act No. 88-798

S. 36—Senator Preuitt

AN ACT

Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Be It Enacted by the Legislature of Alabama:

Section 1. In Talladega County, all persons or companies, to be eligible to bid on asphalt plant mix to be sold to the county commission or county government, or any municipal government located within the county shall have the asphalt plants inspected and certified by the highway department. Such inspection and certification shall be made by the bureau of materials and tests and shall include the scale checks and certifications, and bonded weighmasters certificates, and shall include a statement that the plant meets the requirements set forth in the current edition of the state of Alabama highway department standard specifications for highways and bridges and any supplements thereto.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:47 P.M.

Act No. 88-799

S. 38—Senator Preuitt

AN ACT

Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Talladega County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed or typewritten mailing address of the grantee within the body of the instrument.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:48 P.M.

Act No. 88-800

S.J.R. 32—Senator Goodwin

SENATE JOINT RESOLUTION

URGING THE NCAA TO ADOPT A RULE MANDATING THAT ITS MAJOR COLLEGE AND UNIVERSITY MEMBERS SHALL DENY ADMISSION AFTER 1992 TO THOSE ATHLETES WHO CANNOT SATISFY ITS ACADEMIC ADMISSION STANDARDS AND FURTHER URGING THE PRESIDENTS OF THE MEMBER UNIVERSITIES OF THE SOUTHEASTERN CONFERENCE TO WITHHOLD IMPLEMENTATION OF THEIR RECENT DECISION THAT WOULD DENY SUCH ATHLETES ADMISSION TO THEIR UNIVERSITIES AFTER 1992 UNTIL SUCH TIME AS THE NCAA REQUIRES ALL OF ITS MAJOR COLLEGE AND UNIVERSITY MEMBERS TO USE THE SAME ACADEMIC ADMISSION STANDARDS FOR ATHLETES.

WHEREAS, the Southeastern Conference is nationally recognized for its rich tradition of intercollegiate athletic excellence; and

WHEREAS, the member universities of the SEC compete athletically against colleges and universities that are not in the SEC; and

WHEREAS, a vast majority of the nonconference athletic opponents of SEC Universities continue to allow those athletes who are designated as "partial-qualifiers" under current NCAA admission standards to enter their universities in a status whereby they are ineligible to participate in athletics during their Freshman year; and

WHEREAS, certain athletic programs at major NCAA colleges and universities have become great sources of revenue for their respective schools in recent years; and

WHEREAS, the success of these athletic programs is predicated on the program's ability to maintain a high degree of competence through the recruitment of outstanding athletes; and

WHEREAS, each year many "blue-chip" athletes that possess enough individual talent to bring immediate success to a program fall into the "partial qualifier" category which under the recent decision of the Presidents of the SEC Universities would preclude them after 1992 from ever displaying their talents while wearing a uniform of an SEC school which in turn places said conference at a competitive disadvantage when engaging in non-conference competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the NCAA to adopt a rule mandating that its major college and university members shall deny admission after 1992 to those athletes who cannot satisfy its academic admission standards and we further urge and implore the Presidents of the member universities of the Southeastern Conference to withhold implementation of their recent decision until such time as the NCAA requires all of its major college and university members to use the same academic admission standards for athletes.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of the NCAA, the national headquarters office of the NCAA, the Presidents of all SEC universities, the Governor, the Lieutenant Governor and each member of the Legislature.

Approved September 20, 1988

Time: 3:49 P.M.

Act No. 88-801

S.J.R. 42—Senator Langford

SENATE JOINT RESOLUTION

COMMENDING ASU RUNNING BACK, BRAD BAXTER,
FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature joins with Alabama State University, the ASU Hornets, faculty, staff and students in expressing confidence of Brad Baxter as a formidable candidate for the Heisman Trophy; and

WHEREAS, one of the nation's most outstanding backs, Brad Baxter boasts an incredible record in two years at Alabama State

and, as a sophomore, was named to the Associated Press and Black College All America Teams; was Southwestern Athletic Conference Offensive Player of the Year; and received the Alonza "Jake" Gaither and Marion E. Jackson Awards; and

WHEREAS, also his sophomore year, he was number three in 1-AA rushing, with 1,705 yards and 13 touchdowns; he further rushed for more than 100 yards in 10 out of 11 games, exceeding the 1,000 yard mark in a single season; and

WHEREAS, Brad Baxter, last season was the ninth leading rusher, gaining 1,206 yards and scoring nine touchdowns; he further rushed for more than 100 yards in eight of 11 games and was named to the All-SWAC Offensive First Team; and

WHEREAS, among other outstanding achievements, the Slocomb, Alabama, native has a career high in a single game, of 233 yards; he is the number two return player in 1988 in 1-AA career rushing with 2,915 yards; and he is a top candidate for the Walter Payton Award; and

WHEREAS, Brad Baxter has indeed excelled throughout his football career, including his years at Slocomb High School where he rushed for more than 4,200 yards and scored more than 30 touchdowns; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Brad Baxter of Alabama State University for outstanding achievement and do further wish him every future success in continuing pursuit of athletic and academic achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Baxter.

Approved September 20, 1988

Time: 3:50 P.M.

Act No. 88-802

S.J.R. 44—Senators Corbett, Covington
and deGraffenried

SENATE JOINT RESOLUTION

HONORING DAN A. EASTERLING, II, BY NAMING THE PRISON FACILITY AT CLIO, ALABAMA THE DAN A. EASTERLING, II, PRISON.

WHEREAS, the untimely death of Dan A. Easterling, II, is deeply regretted and mourned; and

WHEREAS, he was a lifelong resident of Clio, Alabama, and a graduate of Barbour County High School, Troy State Teachers' College and Jones Law School; and

WHEREAS, Dan A. Easterling, II, served as a member of the Council of the Town of Clio, Alabama and as Mayor of Clio from 1950 until his death in 1988. Mr. Easterling was a successful farmer, merchant, and banker and at the time of his death was Chairman and President of the Peoples Bank of Clio; and

WHEREAS, through his untiring efforts he was instrumental in obtaining the new prison facility for Clio, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do respectfully request the Department of Corrections to name the prison facility at Clio, Alabama, the "Dan A. Easterling, II, Prison."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Department of Corrections and to the family of Dan A. Easterling, II.

Approved September 20, 1988

Time: 3:51 P.M.

Act No. 88-803

S.J.R. 49—Senator Rice

SENATE JOINT RESOLUTION

NAMING THE ACT WHICH HOUSE BILL 233 BECOMES "THE STEVE HETTINGER DRUG ENFORCEMENT ACT".

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Act which House Bill 233 becomes be designated as "The Steve Hettinger Drug Enforcement Act."

Approved September 20, 1988

Time: 3:52 P.M.

Act No. 88-804

S.J.R. 53—Senator Preuitt

SENATE JOINT RESOLUTION

COMMENDING LLOYD G. MCCLENNY FOR DISTINGUISHED SERVICE TO THE SCHOOLS OF COOSA COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the distinguished and lengthy career of Lloyd G. McClenny in service to the public schools of Coosa County, Alabama; and

WHEREAS, a native of Headland, Alabama, and a United States Navy Veteran of World War II, Mr. McClenny is a graduate of the University of Alabama who embarked upon his educational career in 1950 as an assistant coach and science teacher at Coosa County High School; and

WHEREAS, following positions in the Coosa County Schools as teacher, coach and principal, Mr. McClenny became Superintendent of Education, thereafter to achieve the state's longest record for elected superintendents with the completion of seven terms in office upon retirement on August 31, 1988; and

WHEREAS, Lloyd McClenny will indeed long be remembered for the positive results of his tenure during such stressful periods as inadequate financing and the implementation of integration, among others; and

WHEREAS, his greatest accomplishment, however, is considered by many to be the consolidation of Coosa County's rural high schools that resulted in the recent opening of Central High Coosa County, a fully equipped \$3 million facility housing 600 students in the ninth through twelfth grades; and

WHEREAS, it is both widely and gratefully acknowledged that Superintendent McClenny has greatly enhanced educational opportunities for the youth of Coosa County, and this impact upon the community heralds new eras of progress and further development in educational preparedness for students, county-wide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the public schools of Coosa County, Alabama, we hereby commend Lloyd G. McClenny, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved September 20, 1988

Time: 3:53 P.M.

Cosby, Knight, Hamilton,
Blakeney, Willis, McMillan,
Penry and Breedlove

AN ACT

To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, relating to annual resident hunting and fishing licenses, respectively, so as to increase the license fees, to further provide for a hunting license exemption for certain residents, to delete a provision for a county fishing license, to increase the fishing license issuance fee, to further provide for an exemption relating to certain fishing by certain county residents, to provide for an exemption for certain persons fishing pursuant to Act No. 88-578, to increase the penalties in Section 9-11-44, and to authorize the issuance of licenses on a combination basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-44, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“Section 9-11-44.

“Any person who has reached his sixteenth birthday and who has not yet reached his sixty-fifth birthday and who has resided in Alabama continuously for a period of not less than 90 days next preceding, and who is not serving as a member of the armed forces of the United States of America during any period of time in which the United States of America is in a state of war, as declared by an act of congress, must procure an annual state hunting license for himself before such person is entitled to hunt in this state by filing his application with the person in any county of the state duly authorized to issue said license, stating his name, age, place of residence, post office address, and after paying to the person issuing same a license fee of \$15.00. Any such person may procure a county hunting license for himself by filing his application with the person in the county in which he permanently resides, duly authorized to issue said license, stating as provided above, and after paying to the person issuing same a license fee of \$7.50.

“All persons making application for an annual state hunting license as provided in this section shall present a driver license or in the case of nondrivers, proof of permanent residence. All licenses required by this section shall bear the driver license number of the licensee, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the commissioner of conservation and natural resources.

“Every person who obtains an annual state hunting license without presenting a driver license or in the case of nondrivers, proof of permanent residence, shall be punished by a fine of not less than twice the amount of the required license.

"The licenses required by this section shall not apply to any person or member of his immediate family who hunts on lands owned by him, nor shall it include any tenant or member of his immediate family who hunts on lands leased or rented by such tenant and who resides on such lands.

"All persons under the age of 16 years shall be exempted from the requirement of procuring such licenses. Any resident of this state over 65 years of age shall be exempted from the requirement of procuring a hunting license as provided for in this section, provided that said resident has on his person while hunting, proof of age, or, in the case of nondrivers, proof of permanent Alabama residence and age.

"All license fees collected under this section shall be deposited in the state treasury to the credit of the game and fish fund."

Section 2. Section 9-11-53, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"Section 9-11-53.

"(a) Any person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is between the ages of 16 and 65 shall not take, catch, kill or attempt to take, catch or kill any fish in any of the waters of this state in which freshwater fish appear by angling with rod and reel or by use of any artificial bait, fly or lure without first procuring an annual state fishing license and paying therefor the sum of \$8.50. Any resident angling with hook and line in such waters of this state outside his or her county of residence must procure the annual state fishing license. Any resident who procures a rod and reel license, however, shall be entitled to fish with a hook and line without the necessity of procuring an additional license. These licenses shall be issued in the manner and under the conditions, limitations and exemptions as expressly provided for in this section. Ten percent of the revenue generated by the licenses provided for herein shall be earmarked for use by the marine resources division of the department of conservation and natural resources for the purpose of research, management and development of sports fisheries.

"(b) Such fishing licenses shall not be transferable, and it shall be unlawful to borrow, lend or alter any such fishing license or for any license-issuing officer to backdate any such license at the time of issuing same.

"(c) Any citizen of this state who is entitled to purchase a fishing license as provided for in this section may procure such license by applying to any judge of probate, license commissioner or other persons authorized and designated to issue fishing licenses, stating

his name, age, place of residence and post office address and paying to such issuing officer the amount required in this section for such license. Judges of probate, license commissioners or other persons authorized and designated to issue fishing licenses shall be entitled to a fee of \$1.00 for each license so issued, which fee shall be in addition to the amount designated in this section as the cost of such license; provided, that all fees collected by any probate judge or license commissioner who is paid a salary for the performance of his duties shall be paid by him into the county treasury to the credit of the appropriate fund.

“(d) All persons under the age of 16 years shall be exempted from the requirement of procuring such licenses. Any resident of this state over 65 years of age shall be exempted from the requirement of procuring a fishing license as provided for in this section, provided that said resident has on his person while fishing, a driver license, or, in the case of nondrivers, proof of permanent Alabama residence and age.

The Department of Conservation and Natural Resources is hereby directed to enter into a reciprocal agreement with the State of Florida to exempt residents of Alabama over 65 years of age from the requirement of procuring a license in Florida by exempting residents of Florida over 65 years of age from the requirement of procuring a license in Alabama.

“(e) The licenses required by this section shall not apply to any person or member of his immediate family who fishes in a private pond on lands owned by him, nor shall it include any tenant or member of his immediate family who fishes in a private pond on lands leased or rented by such tenant and who resides on such lands. Nor shall the license required by this section apply to persons fishing with an ordinary hook and line in his county of residence; provided, that any person who fishes with ordinary hook and line in his own county of residence shall be required to have on his person, while so fishing, a reasonable proof of said residency in such county. In addition, the licenses required by this section shall not apply to persons exempt from fishing license requirements while fishing at “commercial fee fishing ponds” pursuant to the provisions of Act No. 88-578 of the Alabama Legislature (Regular Session, 1988).

“(f) The revenue derived from the sale of the license provided for in this section shall be remitted to the department of conservation and natural resources on the first day of each month by the issuing officer and shall be covered into the state treasury to the credit of the game and fish fund and shall be used in the construction, maintenance, development and supervision of public fishing lakes, for the purchase of lands to be used for public landings on public

streams and for the development, protection, propagation and distribution of fish and wildlife of this state.

“(g) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense.”

Section 3. The department of conservation and natural resources is hereby authorized to provide for the issuance of those licenses provided for in Sections 9-11-44 and 9-11-53, Code of Alabama 1975, on a combination license basis, whereby hunting licenses provided for in Section 9-11-44, Code of Alabama 1975, may be sold in combination with fishing licenses provided for in Section 9-11-53, Code of Alabama 1975. In the event said licenses are sold on the said combination license basis, the total license fee shall be the total of the license fees for each of the separate licenses to be obtained. Provided, however, notwithstanding any provisions of law to the contrary, those persons issuing said combination licenses shall be entitled to one issuance fee of \$1.00 for each combination license issued, which shall be in addition to the said total license fee.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of Section 3 of this act shall become effective immediately upon the passage of this act and approval by the Governor, or upon its otherwise becoming a law; provided, however, that the provisions of Sections 1 and 2 of this act shall become effective on August 1, 1989.

Approved September 20, 1988

Time: 3:54 P.M.

Act No. 88-806

H. 180—Reps. Spratt, Seibels, Biddle,
Davis, Perdue, Newton and
Payne

AN ACT

Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jefferson County Commission is hereby required to provide adequate and sufficient office space in the proposed new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham, Alabama, for accommodation of the sheriff's department personnel now stationed at Fairfield so that such personnel and functions shall be returned to the county seat so as to re-establish a central and principal base of operations and to further enhance the sheriff in carrying out the duties of his office. Such personnel and functions shall include, but not necessarily be limited to, supervision, communications, records, equipment, investigatory and office staff support personnel.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:55 P.M.

Act No. 88-807

H. 116—Rep. Knight

AN ACT

To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

Be It Enacted by the Legislature of Alabama:

Section 1. ADVANCEMENT OF EXPENSES OF MEMBERS AND EMPLOYEES OF COUNTY AND CITY BOARDS OF EDUCATION.

City and county boards of education, the Department of Youth Services School District and the Alabama Institute for Deaf and Blind are hereby authorized to pay in advance such reasonable sums as may be required for registration and travel expenses for their members and employees to participate in approved meetings and conferences. No sum shall be advanced from the treasury of any city

or county board of education in this state for the purpose of defraying the expenses of any member or employee of such board while traveling or remaining beyond the limits of such board unless the same shall first be included in the budget of such board or approved by a majority vote of the board, which said motion shall state the purpose and object of such expenditure.

Section 2. SAME—ITEMIZED STATEMENT OF EXPENSES TO BE PRESENTED AND APPROVED UPON RETURN OF MEMBER OR EMPLOYEE;

When any sum is advanced to a member or employee of any board of education to be used to defray expenses incurred while traveling beyond the borders of the school district, the member or employee shall submit such itemized statements of expenses as may be required by law immediately upon return of the member or employee. Failure to present and have approved such statement shall render such member or employee personally liable to the county or city board of education for the sum advanced, which sum shall, if such member or employee is drawing pay for his services from the county or city board of education, be deducted from any sum then or in the future owed by the county or city board of education to such member or employee.

Section 3. SEVERABILITY. If any part or parts of this law are declared unconstitutional, they shall not affect the part which remains.

Section 4. REPEALER. All laws or parts of laws which directly or indirectly conflict with the provisions of this act are hereby expressly repealed.

Section 5. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:56 P.M.

Act No. 88-808

H. 159—Rep. Payne

AN ACT

To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-61, Code of Alabama 1975, is hereby amended to read as follows:

“§32-6-61. Same—Individual’s last name determines month; trucks, commercial fleets, etc; expiration date; reregistration of purchased vehicles.

The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The first letter of an individual’s last name shall determine the month in which a vehicle owner shall register his vehicle(s), as indicated below:

January	... A, D
February	... B
March	... C, E
April	... F, G, N
May	... H, O
June	... M, I
July	... P, L
August	... J, K, R
September	... Q, S, T
October	... U, V, W, X, Y, Z, trucks, mobile homes, commercial and fleet vehicles
November	... Trucks, mobile homes, commercial and fleet vehicles.

After the conversion period all owners of private passenger vehicles and pickup trucks of 12,000 pounds and under shall continue to register their vehicles during the month assigned to the first initial of their last name. All license plates issued on a staggered registration basis shall expire on the last day of the month which precedes the month assigned for the purchase or renewal of license registration.

All license plates issued to motor vehicles for which licensing, registration and taxation are due in October and November shall expire on September 30.

During the implementation period and thereafter all licensing, registration and ad valorem taxation of motor vehicles shall be prorated on a monthly basis, except that the special license tag or plate fees provided by section 32-6-150(a) shall not be prorated.

All persons who acquire a motor vehicle which is located in this state and required to be registered in this state, with exception of

licensed motor vehicle dealers who purchase a vehicle for resale, shall within 10 calendar days from date of purchase reregister the vehicle with the probate judge or other county official authorized and required by law to issue license plates, of the county in which the owner resides, if the owner is an individual, or of the county in which said motor vehicle is used or operated if the owner is a firm, corporation or association. The owner shall be issued a new registration receipt and purchase a license plate or validation decal(s) to the appropriate month assigned for renewal; however, no additional fee or ad valorem tax need be paid other than registration issuance fee when renewal month and year remain the same."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:57 P.M.

Act No. 88-809

H. 166—Reps. Zoghby, Marietta, Buskey (JE), Turner, Kennedy, Gaston, Clark (W), Harper, Kvalheim and Box

AN ACT

Relating to Mobile County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; prescribing the powers, duties, and term of office of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Mobile County; repealing conflicting laws; and providing that this act shall become effective only upon the approval of a majority of the qualified electors of Mobile County voting thereon in a referendum election.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the current terms of office of tax assessor and tax collector of Mobile County, or if a vacancy occurs in either office prior to the expiration of the said current terms of office, there is hereby created the office of county revenue commissioner in Mobile County. In the 1990, and each six years

thereafter, persons shall seek office, qualify and be elected for the county office of revenue commissioner. The revenue commissioner shall serve for a term of office of six years from the first day of the term next succeeding his election and until his successor is similarly elected, qualified and takes office.

Should either the offices of tax assessor or tax collector for Mobile County be vacated for any reason whatsoever between the passage of this act and September 30, 1991, the provisions of this act shall become effective immediately with the remaining office holder acting as county revenue commissioner for the remainder of the term for which he was elected. Vacancies occurring in the office of revenue commissioner shall be filled in the same manner as is provided by the general law for vacancies occurring for tax assessors and collectors.

Section 2. The county revenue commissioner shall do and perform all acts, duties and functions heretofore required by law to be performed by the tax assessor and the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as securities thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment and office supplies as are needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to charge

or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner.

Section 7. The offices of tax assessor and tax collector of Mobile County are hereby abolished effective on the first day that the newly created revenue commissioner takes office.

Section 8. It is the purpose of this act to conserve revenue and promote the public convenience in Mobile County by consolidating the offices of tax assessor and tax collector of such county into one county office pursuant to the authority of Amendment 411 of the state constitution.

Section 9. The provisions of this act shall become operative in Mobile County only if they are first approved by a majority of the qualified electors of said county who vote thereon in a special referendum election to be held on the same date as the next primary, general, statewide, special, or constitutional election held in Mobile County following passage of this act. The question shall be submitted substantially as follows:

“Shall Act No. _____ of the _____ Session of the Legislature (here insert the number of this act), which provides for the abolition upon the current terms of office of the offices of tax assessor and tax collector of Mobile County and the consolidation of the duties of these officers into the one office to be known as the county commissioner of revenue, be approved? Yes _____ No _____.”

If a majority of the votes cast at such election are “Yes” votes, then this act shall become effective as provided above. If a majority of the votes cast are “No” votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Mobile County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns have been certified.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:58 P.M.

Act No. 88-810

H. 160—Reps. Hill and Knight

AN ACT

Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Shelby County shall provide such additional amount of daily compensation as is necessary to grant each poll worker a total compensation of \$50.00 and to grant a chief inspector or other chief election officer a total compensation of \$75.00.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 3:59 P.M.

Act No. 88-811

H. 176—Rep. Hettinger

AN ACT

Relating to the City of Huntsville in Madison County; to authorize the Huntsville Board of Education and the Huntsville City Council to agree to qualify, run for office, and be elected from the same geographical districts, and to allow the said Board and Council to agree to have five or more such districts.

Be It Enacted by the Legislature of Alabama:

Section 1. The Huntsville City Board of Education may jointly agree with the Huntsville City Council to qualify, run, and be elected from the same geographical districts, and the said Board and Council may also jointly agree to have five or more such districts.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 4:00 P.M.

Act No. 88-812

H. 230—Reps. Clark (W) and Buskey (JE)

AN ACT

Relating to the City of Prichard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than one.

Be It Enacted by the Legislature of Alabama:

Section 1. In the City of Prichard in Mobile County, there shall be no more than one city council members sitting on the water works and sewer board.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 4:01 P.M.

Act No. 88-813

H. 231—Rep. Hettinger

AN ACT

Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

Be It Enacted by the Legislature of Alabama:

Section 1. The Huntsville Land Trust, Incorporated, is hereby exempted from all county, local or municipal ad valorem taxes on all property owned and used by said organization.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 4:02 P.M.

Act No. 88-814

H. 276—Reps. Breedlove, Hamilton,
Knight, Hammett, Cosby
and Laird

AN ACT

To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

Be It Enacted by the Legislature of Alabama:

Section 1. When the director of public safety is allowed by Alabama law to provide a criminal history records search of convictions within the state of Alabama, the director shall set and collect a minimum fee of \$20.00 or the actual cost incurred. All fees collected under the provisions of this act shall be deposited in the state treasury to the credit of the state general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 4:03 P.M.

Act No. 88-815

H. 284—Reps. Hettinger, Hall, Grayson,
Butler and Freeman

AN ACT

To authorize the City of Huntsville to acquire and operate passenger excursion trains upon the tracks of any public or private railroad within Madison County based upon agreements for such operation between the city and any such public or private railroad corporation or other entity.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Huntsville, Alabama, is hereby authorized to acquire and operate passenger excursion trains within

Madison County, Alabama, upon the tracks of any public or private railroad company based upon agreements for such operation between the city and any such public or private railroad corporation or other entity. The city is authorized to acquire, maintain, and operate such engines, cars, and other equipment as it deems necessary and useful for the operation of any such passenger excursion train, and may operate such excursion trains directly or through any board or commission of the city created by ordinance and duly authorized to establish and operate passenger excursion service on behalf of the city. Provided, however, that in no event may the horn or whistle volume or decibel level of any passenger excursion train exceed the volume or decibel level of any other train or locomotive that uses the same railroad track or line as that used by the passenger excursion train.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 4:04 P.M.

Act No. 88-816

H. 309—Rep. Bryant

AN ACT

Relating to Perry County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County, in addition to any and all other taxes heretofore levied, the county commission is hereby authorized to levy and impose an additional ad valorem tax in the amount of nine mills on each dollar of taxable property. Seventy percent of said tax shall be earmarked to the county general fund to be used for general county purposes; and thirty percent of said tax shall be distributed to the county board of education. The additional ad valorem tax imposed by this act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

Section 2. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside in Perry County and who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on special school taxes, and

shall be held in conjunction with the next regularly scheduled federal, state or local election to be held in the county or at a special election held for such purpose. Notice of the election shall be given as are other county elections under the general applicable laws of this state. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law enacted at the 1988 1st Special Session, which authorizes the Perry County Commission to levy an additional nine mills ad valorem tax on each dollar of taxable property, to be deposited in the county general fund? Seventy percent of said tax shall be used for county purposes; and 30% of said tax shall be distributed to the county board of education. Yes () No ()."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect after the referendum. If a majority of the votes cast are in the negative, the act shall have no effect. The judge of probate for Perry County shall certify the results of the election to the Secretary of State and to the state revenue department after the returns have been certified.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1988

Time: 4:05 P.M.

Act No. 88-817

H. 322—Rep. Bryant

AN ACT

Authorizing the county commission of Perry County to provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Perry County shall provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties. The county commission of Perry County shall select the chief clerk and not more than two additional clerks and set the compensation of the chief clerk and each additional clerk.

Section 2. The compensation of the chief clerk and each additional clerk shall be paid from the general fund of Perry County in the same manner as the compensation of other county employees is paid, or as otherwise provided by law.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall take effect on January 16, 1989.

Approved September 20, 1988

Time: 4:06 P.M.

Act No. 88-818

H.J.R. 77—Reps. Starkey, Goodwin
and Hamilton

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM B. DUNCAN OF FLORENCE,
ALABAMA, FOR DISTINGUISHED SERVICE TO LAUDERDALE
COUNTY.

WHEREAS, the imminent retirement of William B. Duncan of Florence, Alabama, brings to a close his distinguished career, since 1959, to Lauderdale County and to all citizens thereof; and

WHEREAS, William B. Duncan, who is a graduate of Central High School in Florence, also is an alumnus of Florence State Teachers College and Cumberland University in Lebanon, Tennessee, and is a distinguished military veteran who served with the United States Marine Corps during World War II; and

WHEREAS, he also is former Chief Clerk for the Lauderdale County Judge of Probate Office, having served in said capacity from 1959 until 1971; since that date he has held the office of Probate Judge, through election in 1970 and through subsequent reelection in 1976 and 1982; and

WHEREAS, Judge Duncan further holds a distinguished record of professional, community and civic involvement through membership and high office in such organizations as the Central Civitan Club, Post #11 American Legion, Northwest Council of Local Governments, Eliza Coffee Memorial Hospital Board of Governors, Muscle Shoals Technical College Advisory Board, Association of Probate Judges of Alabama, the Masonic Order and The United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Judge William B. Duncan of Florence, Alabama, for distinguished service to community, state and nation, and do further direct that he receive a copy of this resolution, executed in praise

of outstanding achievement and with warm best wishes for every future success and happiness in life.

Approved September 20, 1988

Time: 4:07 P.M.

Act No. 88-819

H. 321—Rep. Bryant

AN ACT

Authorizing the probate judge of Perry County to have a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Perry County shall provide for a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties. The probate judge of Perry County shall select the chief clerk and two additional clerks and the county commission of Perry County shall set the compensation of the chief clerk and the two additional clerks at not less than \$764.04 per month, retroactive to October 1, 1985.

Section 2. The compensation of the chief clerk and the two additional clerks shall be paid from the general fund of Perry County in the same manner as the compensation of other county employees is paid, or as otherwise provided by law.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 21, 1988 without approval by the Governor.

Act No. 88-820

H. 333—Reps. Hettinger, Butler
and Brooks

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, as amended, so that notwithstanding existing provisions thereof the governing body of the City of

Huntsville in Madison County shall have the authority to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, which at the time of such appropriation has been organized for the purpose of fostering and coordinating volunteer activity in the field of the literary, visual, or performing arts, which said appropriation is to be used exclusively for construction of one or more buildings located within said city and owned by such organization; to provide that the City of Huntsville shall also have the authority to provide up to \$100,000.00 annually for certain operational expenses and maintenance of buildings; to provide that the provisions of such amendment, if adopted, shall be self-executing; and to provide for referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

Notwithstanding the provisions of the Constitution of Alabama of 1901, as amended, the governing body of the City of Huntsville in Madison County is hereby authorized to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, each of which at the time of any such appropriation must have been organized for the purpose of and actively engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the City of Huntsville for a period of more than five years, which said appropriation or appropriations are to be used exclusively for construction of one or more buildings located with said city, to be owned by such organization. The total maximum appropriation herein authorized may, however, at the discretion of the governing body, be made to only one such organization, provided, however, that any such appropriation may be made only upon proof that an amount equal to one dollar for each one dollar appropriated has first been raised from nonpublic funds and placed on deposit with a bank or trust company under an agreement restricting the use of said funds to expenditures for the construction of one or more buildings to be occupied exclusively by one or more organizations engaged on fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the City of Huntsville. The City of Huntsville is further authorized to appropriate up to \$100,000.00 annually for the general operations of any such organization, or for maintenance of any building which is occupied by any such organization.

No payment may be made by the City of Huntsville under the authority of this amendment except upon the affirmative vote of the qualified electors of the City of Huntsville, in the election called for

the ratification of this amendment, or at a subsequent election called for such purpose as hereinafter provided. Provided, however, that if this amendment is ratified, and a majority of the electors of the City of Huntsville do not vote in favor of such amendment, subsequent elections for the purpose of authorizing the governing body to make such appropriations to qualified organizations may be called by the governing body in the same manner and at the same time as any other general or special municipal election, but not more than one such election shall be held during any period of 12 consecutive months.

The provisions of this constitutional amendment shall be self-executing, but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purpose and objectives herein set forth.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House September 8, 1988

Passed the Senate as amended September 15, 1988

House concurred in Senate Amendment September 20, 1988

Act No. 88-821

H. 307—Rep. Laird

AN ACT

Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 88-328, H. 857, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 8:55 A.M.

Act No. 88-822

S. 185—Senator Bedsole

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to the Children's and Women's Hospital for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the amount of \$400,000 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital.

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to the support of training programs for students enrolled in state university schools of medicine.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance by the Children's and Women's Hospital. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1988.

Approved September 21, 1988

Time: 10:45 A.M.

Act No. 88-823

H. 259—Reps. Turnham and Higginbotham

AN ACT

Relating to Lee County; levying a lodging tax, providing for the collection and distribution of said tax, and establishing the "Auburn-Opelika Convention and Visitors Bureau."

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes imposed by law, there is hereby levied a privilege or license tax in the amount hereinafter prescribed against every person engaging in Lee County in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The amount of the tax shall be equal to two percent (2%) of the charge for such rooms, lodgings or accommodations, including the charge for use of rental of personal property and services furnished in such room or rooms.

Section 2. There are exempted from the provisions of the tax levied by this act and from the computation of the amount of the tax levied or payable hereunder the following: charges for property sold or services furnished which are required to be included in the tax levied by the State Sales Tax Act; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more.

Section 3. The taxes levied by this act, except as otherwise provided herein, shall be due and payable to the state department of revenue on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes, every person on whom the tax is levied by this act shall render to the department of revenue on a form prescribed by said department, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the department of revenue may demand and require; and at the time of making such monthly report, the taxpayer shall compute and pay to the department of revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes, he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of two

(2) years and shall be open for examination at any time by the state department of revenue or by any duly authorized agent, deputy or employees of said department.

Any person who fails to pay the tax levied by this act within the time required by this act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon from the date on which the tax became due and payable at the rate due and payable on the state lodging tax, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the state department of revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. All provisions of the state lodging tax statutes with respect to payment, assessment and collection of the state lodging tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax; make reports, or otherwise; the promulgation of rules and regulations with respect to the state lodging tax; and the administration and enforcement of the state lodging tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied by this act, shall apply to the county tax levied. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state lodging tax statutes. All provisions of the state lodging tax statutes that are made applicable to this act to the county taxes levied and to the administration of this act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 5. None of the provisions of this act shall be applied in such manner as to violate the commerce clause of the United States Constitution. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of this act.

Section 6. The state department of revenue shall charge Lee County for collecting the county tax levied herein, an amount or percentage of total collections not to exceed ten percent (10%) of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Lee County for that month.

Section 7. There shall be created and established the Auburn-Opelika Convention and Visitors Bureau. The bureau shall be composed of five board members: the probate judge or his appointee; the mayors or their appointees from the cities of Auburn and Opelika;

and one employee from Auburn University, appointed by the President of Auburn University; and the four board members shall select a fifth member. The Lee County Extension Agent shall be an ex-officio member. The Executive Director of the Auburn Chamber of Commerce and the Executive Director of the Opelika Chamber of Commerce shall serve as ex-officio members.

The newly elected board of director's membership shall serve at the pleasure of the appointing authorities.

Section 8. The Lee County commission shall deposit the proceeds of said tax into a fund to be directly appropriated to the Auburn-Opelika Convention and Visitors Bureau.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 2:02 P.M.

Act No. 88-824

H. 234—Rep. Lindsey

AN ACT

To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require any public or private entity that provides or sells any gas or electric services to provide

to the county tax assessing official, at least monthly, a list containing each mobile home to which such entity has connected gas or electric service in the county during the preceding period, together with the name of the occupant and the location of the connection, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-7-23, Code of Alabama 1975, is hereby amended to read as follows:

“§40-7-23.

“(a) Whenever the tax assessor, county revenue commissioner or other assessing official shall discover that any property, including any improvements on real estate assessed as vacant property, has escaped taxation in any assessment within five years next preceding the current year, he shall list, return and value said property for assessment for the years during which same has escaped taxation and shall also endorse on such returns the year or years for which the property has escaped taxation and, except as provided in subsection (b) hereinafter, the accrual of a penalty of 10 percent of the taxes assessed thereon for each year.

“(b) Any taxpayer who escaped assessment of tangible personal property for taxable years ending on or before September 30, 1988, shall not have accrued to his account the ten percent penalty, provided:

“(1) he files a proper tax return and assesses such property not later than December 31, 1988;

“(2) he makes or agrees to be subject to an escape assessment for the tax year ending September 30, 1988; and

“(3) he pays the tax due on such escape assessment without any penalty not later than December 31, 1988.

“(c) Any taxpayer who fulfills the requirements of subsection (b) of this section to avoid penalty, shall not be liable for any unpaid ad valorem tax on the tangible personal property so assessed for the tax years ending on or before September 30, 1987.

“(d) The assessing official shall give notice of an escape assessment by certified or registered mail, return receipt requested, to the owner or to the agent or attorney of such owner, notifying such person to appear before the assessing official in person, or by agent

or attorney, within 20 days after such notice is given, if there is an objection to the assessment, and notifying such person that if no objection is made said assessment will be made final on the twentieth day after the mailing of such notice of escape assessment. If on the date set for hearing such objection the person against whom the assessment is made fails to appear or if in the opinion of the assessing official the assessment should not be changed and the assessment is proper, then the assessing official shall make the assessment final. The property owner, if he has filed objection to such assessment, may appeal from the assessment to the circuit court of the county in which the property is located within 30 days after such assessment becomes final, by giving notice in writing to the assessing official and by filing a copy of such notice with the clerk of the circuit court and giving bond to be approved by and filed with the clerk of the circuit court to cover costs, and thereafter such case shall be tried as other tax cases appealed to the circuit court from the board of equalization. The taxpayer or the state shall have the right to demand a trial by jury by filing a written demand therefor, within 10 days after the appeal is taken.

“(e) Whenever any escape assessment is made final, the taxes shall immediately become due, and the assessor, deputy assessor or other assessing official shall forthwith certify the assessment to the tax collector, or other collecting official, who shall forthwith collect same, unless at the time of taking the appeal the taxpayer has executed a supersedeas bond with sufficient sureties to be approved by the clerk of the circuit court in double the amount of the taxes, payable to the state of Alabama, conditioned to pay all taxes, interest and costs due the state, county or any agency or subdivision thereof.”

Section 2. Section 40-7-1, Code of Alabama 1975, is hereby amended to read as follows:

“§40-7-1.

“(a) The tax assessor or other assessing official in each of the several counties shall have the right and authority to assess all real estate, together with improvements thereon, and all personal property to the party last assessing the same, or to the owner of record, except such real estate and personal property which is now or may hereafter be assessed by the department of revenue. The failure of the tax assessor or other assessing official to assess said property to the true owner shall not invalidate the assessment. The tax assessor or other assessing official shall have the right and authority to prescribe the proper bookkeeping method to carry out the provisions of this article, subject to the approval of the chief examiner of public accounts. Should the owner of any real estate make improvements on such property, or should any improvements be removed or destroyed or partially removed or destroyed during any taxable year, it shall be

the duty of such owner to make a tax return between October 1 and prior to January 1 covering all such changes made subsequent to October 1 of the preceding tax year. Improvements partially completed on October 1 shall be reported to the tax assessor or other assessing official by the owner thereof and shall be assessed as incomplete for that tax year. It shall be the duty of any person who purchases real estate prior to October 1 of any taxable year and who owns said real estate on that date to report such purchase to and assess that property with the tax assessor or other assessing official between October 1 and prior to January 1 following such purchase. No penalty shall be charged such taxpayer for failure to report the purchase or sale of any real estate.

“(b) Every person, firm or corporation who owns, maintains, or keeps a mobile home shall receive a decal upon the payment of the ad valorem tax on said mobile home. Said decals shall be designed by the state department of revenue and displayed on the mobile home for which the ad valorem taxes were paid, on or near the front entrance of such mobile home in such manner that it shall be readily accessible to the view of the county taxing officials or state department of revenue officials.

This decal shall take the place of all other decals of any county or municipality, and there will be no other decals required. Said decal shall be proof of payment of said registration fee; and no local taxing authorities shall impose any other registration fee that is in addition to the fee provided for herein. However the payment of said fee shall not preclude the payment of duly enacted local taxes.

“(c) The owner or lessor of the real estate on which any mobile home is situated shall report the name and address of the owner of such mobile home at such times as the commissioner of revenue may require on forms furnished by the department of revenue. The commissioner and the state department of revenue are hereby empowered to implement and enforce any rules or regulations reasonably necessary to administer the provisions of this chapter, including but not limited to, notice, hearings and appeals processes.

“(d) Any public or private entity that provides or sells any gas or electric services and connects such services to any mobile home shall, not less often than monthly, report to the county tax assessing official a list containing each such mobile home connected to such service during the period preceding the report, together with the name of the occupant and the location of the connection.”

Section 3. Section 40-8-1, Code of Alabama 1975, is hereby amended to read as follows:

“§40-8-1.

“(a) On and after October 1, 1978, with respect to ad valorem taxes levied by the state, and, unless otherwise provided, with respect

to ad valorem taxes levied by a county, municipality or other taxing authority other than the state, all taxable property shall be divided into the following classes and no other and shall be assessed for ad valorem tax purposes at the following ratios of assessed value to the fair and reasonable market value of such property, or, as may be provided by law, to the current use value of such property:

“Class I. All property of utilities used in the business of such utilities, 30 percent.

“Class II. All property not otherwise classified, 20 percent.

“Class III. All agricultural, forest and residential property, and historic buildings and sites, 10 percent.

“Class IV. All private passenger automobiles and motor trucks of the type commonly known as ‘pickups’ or ‘pickup trucks’ owned and operated by an individual for personal or private use and not for hire, rent or compensation, 15 percent.

“(b) As used herein, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) ALL PROPERTY OF UTILITIES. All property assessed for taxation by the Department of Revenue pursuant to the provisions of Chapter 21 of this title; provided, that after September 30, 1979, and only to the extent required by Title III, §306 of Pub. L. 94-210 (the Railroad Revitalization and Regulatory Reform Act of 1976, codified as 49 U.S.C. §26c), ‘transportation property,’ as that term is defined in the aforesaid statute, as heretofore or hereafter amended, or in any subsequent statute of similar import, shall not be assessed as Class I property.

“(2) ALL RESIDENTIAL PROPERTY. Only mobile homes and real property, used by the owner thereof exclusively as the owner’s single-family dwelling.

“(3) AGRICULTURAL AND FOREST PROPERTY. All real property used for raising, harvesting and selling crops or for the feeding, breeding, management, raising, sale of or the production of livestock, including beef cattle, sheep, swine, horses, ponies, mules, poultry, fur-bearing animals, honeybees and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry and any combination thereof.

“(4) ALL PROPERTY NOT OTHERWISE CLASSIFIED. All real and personal property which does not fall within any one or more of Classes I, III and IV.

“(5) ALL PRIVATE PASSENGER AUTOMOBILES AND MOTOR TRUCKS OF THE TYPE COMMONLY KNOWN AS ‘PICKUPS’ OR ‘PICKUP TRUCKS’ OWNED AND OPERATED BY AN INDIVIDUAL FOR PERSONAL OR PRIVATE USE AND NOT FOR HIRE, RENT OR COMPENSATION. All private passenger automobiles, as that term is defined in sections 40-12-240, subdivision (12), and 40-12-241; and all motor trucks of the type commonly known as ‘pickups’ or ‘pickup trucks,’ weighing not exceeding 8,000 pounds.

“(6) HISTORIC BUILDINGS AND SITES. Regardless of the use to which such property is put, all buildings or structures (i) listed in the National Register of Historic Places or (ii) located in a registered historic district and certified by the United States secretary of the interior as being of historic significance to the district.

“(7) MOBILE HOME. A structure, transportable in one (1) or more sections, and which is built on a permanent chassis, and not designed normally to be drawn or pulled on the highway except to change permanent locations, but is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems, if any, contained therein. It may be used as a place of residence, business, profession, trade or for any other purpose, by the owner, lessee, or assigns and may consist of one or more units that can be attached or joined together.

“(c) Wherever any statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes.

“(d) The following property shall be exempted from ad valorem taxation: the real and personal property of the state, counties and municipalities and real and personal property devoted exclusively to religious, education or charitable purposes. The property of Masonic lodges, Knights of Columbus homes and union halls shall be exempt when used exclusively for the purposes and business of such organizations. All property now exempt by law shall continue to be exempt from taxation until changed by law.

“(e) The Department of Revenue shall have authority to promulgate rules and regulations for the uniform identification and assessment of mobile homes.”

Section 4. Section 40-11-1, Code of Alabama 1975, is hereby amended as follows:

“§40-11-1.

“(a) As used in this section the following terms shall have the meanings ascribed herein:

“(1) **CONSTRUCTION PURPOSES.** The normal and ordinary meaning of the words, except that mining activities or the transportation of materials used in or produced by mining or forestry activities shall not be construed to be included;

“(2) **HEAVY DUTY EQUIPMENT.** Any motor vehicle used primarily off the open road for construction purposes, including all road construction equipment whose gross weight exceeds 16,000 pounds, but not including inventory on hand for sale by duly licensed equipment dealers.

“(b) The subjects of ad valorem taxation, except as exempted by law, shall be as follows:

“(1) Every piece, parcel, tract or lot of land in this state, including therein all things pertaining to such land, and all structures and other things so annexed or attached thereto as to pass to a vendee by conveyance of such land; and every separate or special interest in any land, such as minerals, the right to mine minerals, the right to turpentine, oil or petroleum, natural gas and the right to remove same from the soil, or any other interests when such interests are owned by persons other than the owner of the surface or soil, except growing crops, standing timber or any tree, bush vine or other growing thing from which a crop is harvested;

“(2) All docks, wharves, wharf boats, landings, warehouses, toll bridges, ferries, canals, passes, channels, turnpikes, all street railroads, printing presses and materials;

“(3) All steamboats, barges, vessels and watercraft of every name and kind however propelled, plying waters of this state, and the owner thereof shall return same for taxation to the assessors in the county wherein he resides; and, if such steamboat, barge, vessel or watercraft is owned by a corporation, then in that county where its principal office is located; in the case of the owner's being an individual not residing in this state or being a corporation with no principal office in this state, then in the county or counties where used; all such steamboats, barges, vessels or watercraft whether owned by a resident or nonresident of this state, which have acquired a permanent situs in this state. All transfer boats, steamboats or barges used by any railroad in transferring cars and passengers must be assessed and taxed in the county or counties where used, or where the owner resides, regardless of where such vessel may be registered;

“(4) All stocks of goods, wares and merchandise, the assessment to be on the average amount on hand during the preceding year, except in cases where business is commenced on or after October 1 of a current year, and in such cases the assessment to be on the capital actually employed in the business and apportioned as hereinafter provided, but the amount so assessed for any whole year shall in no case be less than the capital actually employed in the business, and this shall include all goods, wares and merchandise kept on plantations or elsewhere, or by railroad companies or persons, for sale or to be dealt out to laborers or employees for profit, or on account of their wages, and shall include all goods, wares and merchandise offered for sale by any person commencing business subsequent to October 1 of a current year, but in such case the tax shall be apportioned according to the date at which the business was commenced, so that if commenced after January 1, the tax shall be three fourths of the tax for the whole year; if commenced after April 1, the tax shall be one half of the tax for the whole year; provided, that the assessment herein provided for shall not include products raised on the farms in the hands of the original producers. If the person, association or corporation, receiver or trustee carrying on such business shall fail to make return of the amount of stock of goods, wares and merchandise as provided by law, or if the county tax assessor is not satisfied with the return made, in order to make proper assessment, he shall have the right to demand a copy of the last inventory made of such stock of goods, wares or merchandise, and may also by inquiry of person believed to have knowledge of the subject obtain information as to the probable average amount of such stock, and from such information may assess the same upon his best judgment;

“(5) All household and kitchen furniture, mechanical and electrical refrigerators, libraries, jewelry, precious stones, plate and silverware, ornaments and articles of taste, pianos and other musical instruments, paintings, clocks, gold, silver and other watches and gold and other safety chains, all wagons and other vehicles; all motor cars, automobiles, trucks, buses, tractors, motorcycles and other motor vehicles and bicycles, travel trailers, utility trailers, semitrailers, and all other trailers of any kind; all outboard motors; airplanes, airships and other aircraft and aircraft landing fields and equipment; all typewriters; all cash registers; all calculating machines; all book-keeping machines, teletypes, dictaphones and other recording or sending apparatus or machines; all phonographs and all machines of like character; all radio sending and receiving sets and appliances; all iron safes and cabinets, all store fixtures, all office furniture and fixtures; all mechanical tools and farming implements; all tanks, all storage reservoirs or basins; all golf bags, golf sticks and all other sporting goods; all pistols and guns; all cattle and horses, mules,

studs, jacks and jennets; all hogs, sheep and goats, except as specifically exempted; all x-ray machines; all lens grinding machines, all eye-testing machines, all surgical instruments and all other instruments or appliances used in surgical, dental, medical, optometrical or other professional work;

“(6) All money hoarded, whether in the custody of the owner in this state, or in another state, or in any safety deposit box, safe or vault, or elsewhere, except money on deposit in banks which is specifically exempted from taxation;

“(7) All investments in bonds, except bonds of the United States, the state of Alabama and of counties and municipalities of this state, warrants or other obligations of county and city school boards in this state, and such other bonds as are not by law taxable; and all capital invested in bonds or currency which are exempt from taxation shall be liable to be taxed under this section should such capital at any time during the year be reconverted into money, bonds or property which is taxable, unless it is made to appear that the money, bonds or property into which such reconversion may be made has been assessed for taxes for such year;

“(8) All roadbed, track, engines, cars, derricks, cranes, signals, crossties and other property, real and personal, of railroads, of mining and manufacturing plants, and all tramroads, pole-roads, canals, ditches and channels used for transporting or moving mineral ore, lumber, timber, logs, minerals, coal, ore, sand, gravel or other commodities, whether raw or manufactured, which are not taxed as improvements on the land or plant or main property, of the owner of such tramroads, pole-roads, canals, ditches or channels;

“(9) Shares in corporations or associations, not incorporated under the laws of this state, except stock in national banks; in arriving at the value of shares of stock of a corporation or association for the purposes of taxation, whether said corporation is domestic or foreign, all dividends earned or declared and not distributed shall be treated as assets of said corporations;

“(10) On the gross amount of sales of goods, wares and merchandise owned by nonresidents made at auction in or during the tax year preceding the assessment of goods, wares and merchandise kept in stores for sale in the ordinary course of business, each auctioneer shall be assessed and shall pay a tax on one fourth of one percent, and each auctioneer shall pay a like tax on the gross amount of sales made by him of goods, wares and merchandise owned by citizens of this state which have been imported into this state and sold at auction before same have been assessed for taxes as other property; but on sales of goods, wares and merchandise and fruit by

cargo at auction, the rate of taxation shall be one eighth of one percent;

“(11) On the gross amount of commissions or sums charged and received during each year by any auctioneer; provided, that nothing herein contained shall be construed as levying a tax on commissions received for the sale or rental of real estate, or brokerage on loans or real estate or the underwriting of insurance;

“(12) All the real and personal property of water companies, including pumping stations, reservoirs, standpipes, towers, pipelines, gates, valves, tunnels, canals and dams used in the business of supplying water to consumers for pay; all real and personal property of hydroelectric power, steam or other power and light companies; natural and manufactured gas companies and gas light companies, including all machinery, engines, dynamos, wires, poles, pipelines, tubes and appliances of every nature and description used in connection therewith; all real and personal property of every furnace, rolling mill, mine, quarry or manufacturing establishment, including all machinery, all engines, hoisting engines, derricks and appliances of every nature used in the business; all dams across rivers and creeks; all real and personal property of cotton gins, cotton mills, cotton compresses, cottonseed oil mills, grain elevators, flour and grist mills, molasses and syrup mills, paper mills, chemical plants or manufactories, fertilizer factories or mixing plants; all peanut oil mills and peanut mills, creosoting plants, concrete mixing plants, crosstie plants and stave mills and heading mills;

“(13) All property, real and personal, of all cement plants, lime plants, plaster plants or quarries or other manufacturing, mining or quarrying plants not herein specifically exempted;

“(14) All property, including heavy duty equipment, used for construction purposes.

“(15) All mobile homes, other than those mobile homes in the inventory of a mobile home dealer or manufacturer.

“(16) All other property, real, personal or mixed, not hereinbefore specified, of whatever class, whether ejusdem generis or not, except as herein specifically exempted, which said property shall be assessed and specifically described.

“(c)(1) All property described in section 40-11-1(b)(14) brought into the state after October 1 of any tax year and before the assessor has completed his assessment, shall be subject to taxation the same as if it had been held or owned in the state on October 1. In addition, heavy duty equipment brought into the state after October 1 and after the assessor has completed his assessment shall be subject to taxation the same as if it had been held or owned in the state on

October 1; except that such tax shall be prorated with respect to the number of months remaining in the year. (2) Property described in section 40-11-1(b)(15) shall be taxed as realty, whether such property is located on the real property of the owner or on the real property of another. Where the ownership of such property is different from ownership of the land on which it is located, then, in the event of delinquency in the tax due on the property described in Section 40-11-1(b)(15), sale of such property shall be in accordance with section 40-5-14."

Section 5. Section 40-12-240, Code of Alabama 1975, is hereby amended as follows:

"§40-12-240.

"For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

"(1) **DEALER.** Every person currently licensed by this state to engage in the business of buying, selling or exchanging vehicles required to be registered hereunder who has an established place of business for such purpose in this state and to whom current dealer registration plates have been issued by the department of revenue.

"(2) **ESTABLISHED PLACE OF BUSINESS.** A place actually occupied either continuously or at regular periods at or from which a business or a part thereof is transacted.

"(3) **FARM TRACTOR.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements designed and used for agricultural purposes and only incidentally moved upon public highways.

"(4) **GROSS VEHICLE WEIGHT.** Whenever used in section 40-12-248, or elsewhere in this section, the empty weight of the truck or truck tractor, plus the heaviest load to be carried and, in the case of combinations, the empty weight of the heaviest trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried.

"(5) **JITNEY BUS.** A motor vehicle engaged in the business of carrying passengers for hire over, along and upon a definite or substantially fixed route or routes, in the incorporated limits of any municipality or within 10 miles thereof, except where such vehicle is operated in conjunction with or in lieu of a street railway system or duly franchised bus operation authorized by the governing body of a city and the Alabama public service commission, all such motor vehicles that are excepted in the exception clause of this definition being subject to the license tax specified in subsection (a) of section 40-12-246.

“(6) **MOTOR VEHICLE.** Every vehicle which is self-propelled, every vehicle which is propelled by electric power from overhead trolley wires and every vehicle that is drawn by a self-propelled vehicle, including every trailer and semitrailer.

“(7) **MOTORCYCLE.** Every motor vehicle designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor bicycles, but not including farm tractors.

“(8) **MUNICIPALITY.** Any incorporated city or town in this state.

“(9) **NONRESIDENT.** Every person who is not a resident of this state.

“(10) **OWNER.** Any of the following:

“a. A person or persons holding the legal title to a motor vehicle;

“b. The mortgagor or conditional vendee of a vehicle that is the subject of a chattel mortgage or an agreement for the conditional sale thereof or other like agreement with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the mortgagor or conditional vendee, and

“c. The lessee of a vehicle owned by the United States of America or any of its agencies or instrumentalities.

“(11) **PRIVATE PASSENGER AUTOMOBILE.** Every motor vehicle designed primarily for the transportation of nine persons or less except the following:

“a. Motorcycles;

“b. Motor vehicles used in the transportation of persons for hire;

“c. Trailers or semitrailers, or

“d. Self-propelled campers or house cars; and includes also every motor vehicle of the type usually referred to as a bus which is owned and operated by an individual for personal or private use and not for hire, rent or compensation. Motor trucks of the type commonly known as ‘pickups’ or ‘pickup trucks,’ regardless of the use made of any such motor trucks and regardless of whether the owner thereof owns or has access to any other mode of transportation, shall not be deemed to constitute a private passenger automobile.

“(12) **PERSON.** Every individual, firm, partnership, association, estate, trust or corporation, and the receiver, assignee, agent, administrator or other representative of any of them.

“(13) PUBLIC HIGHWAY. Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct or trestle, located either within a municipality or in unincorporated territory, and laid out or erected as such by the public or dedicated or abandoned to the public or intended for use by or for the public. The term ‘public highway’ shall apply to and include driveways upon the grounds of universities, colleges, schools and institutions, but shall not be deemed to include private driveways, private roads or private places not intended for use by the public.

“(14) SEMITRAILER. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and some part of its load rest upon or are carried by another motor vehicle.

“(15) STATE. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

“(16) TAX YEAR. The tax year of this state, being the 12-month period commencing on each October 1.

“(17) TRAILER. Every vehicle without motive power designed to carry persons or property wholly on its own structure and to be drawn by another motor vehicle.

“(18) TRAVEL TRAILER. A vehicle without motive power, designed and constructed as a camping vehicle or a temporary dwelling, living or sleeping place drawn by a private passenger automobile or a pickup truck, but not including folding or collapsible camping trailers included within the definition of utility trailer, nor mobile homes as defined in section 40-8-1(b)(7).

“(19) TRUCK. Every self-propelled motor vehicle designed and used primarily for the transportation of property in or upon its own structure, every self-propelled motor vehicle of the types known as ‘campers’ and ‘house cars’ and every vehicle of the type commonly called a wrecker, which is used to move disabled motor vehicles for repair, storage and other purposes.

“(20) TRUCK TRACTOR. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicles and load so drawn.

“(21) UTILITY TRAILER. A trailer primarily designed to be drawn by a passenger car or pickup truck, including luggage trailers, folding or collapsible camping trailers and other small trailers of similar size and function, but shall not include boat trailers.

“(22) VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by muscular power or used exclusively upon rails or tracks. All references in this article to the judge of probate shall be deemed to include the commissioner of revenue, license commissioner or other county official designated by law to register motor vehicles, issue license plates and perform other duties in connection with motor vehicle licenses.”

Section 6. Section 40-12-255, Code of Alabama 1975, is hereby amended as follows:

“§40-12-255.

“Every person, firm or corporation who owns, maintains or keeps in this state a travel trailer, except a travel trailer that constitutes a part of his stock as a dealer, shall pay an annual registration fee of \$3.00; and upon payment thereof such owner shall be furnished an identification tag which shall be immediately attached to and at all times thereafter displayed on the back of the trailer for which the registration fee was paid. The registration fee hereby provided for shall be paid in the county in which such trailer is customarily kept to the same county official who issues motor vehicle license tags in such county and shall be due, payable and delinquent at the same times that motor vehicle license taxes are due, payable and delinquent. The official collecting such registration fees and issuing such identification tags in evidence of payment thereof shall be entitled to the same fees therefor that he receives for issuing motor vehicle license tags. He shall distribute the proceeds of such registration fee at the same time, in the same manner and proportions and under the same pains and penalties as he does the proceeds of motor vehicle licenses; and he shall be entitled to the same commissions or allowances for so collecting and disbursing these registration fees as he receives for handling funds derived from issuing motor vehicle license tags. The identification tags shall be of the same size and design as motor vehicle license tags, shall be procured by the same state official in the same manner that motor vehicle license tags are procured and shall be furnished to the several probate judges or other county officials charged with the duty of issuing motor vehicle license tags at the same time and in the same manner that motor vehicle license tags are furnished.

“The owner of any travel trailer who fails to pay the registration fee hereby provided for or who fails to display the identification tag on such trailer, as hereinabove required, shall be subject to the same penalties prescribed by law for a like offense relative to the payment of motor vehicle license taxes and the affixing of motor vehicle license tags; and this section shall be enforced by the same officers, under the same conditions and through the same procedures that laws

relative to the issuance and display of motor vehicle license tags are; except, that failure to comply with this section shall constitute an offense whether the travel trailer is or is not used or operated on the roads or highways of the state."

Section 7. Section 40-12-256, Code of Alabama 1975, is hereby amended as follows:

"§40-12-256.

"No identification tag for a travel trailer shall be issued until all ad valorem taxes due thereon have been paid. Travel trailers shall be assessed for ad valorem taxation and taxes thereon paid in the same manner that motor vehicles are assessed and ad valorem taxes thereon paid; and the identification tags shall be evidence of such assessment and payment to the same extent that motor vehicle license tags evidence assessment and payment of taxes on motor vehicles. For assessing travel trailers for ad valorem taxation and collecting such taxes the officers performing these duties, respectively, shall be entitled to the same fees and allowances as they are entitled for performing like duties relative to motor vehicles.

"Travel trailers shall not be included in any assessment by any person, firm or corporation under the provisions of subdivision (4) of section 40-11-1, and ad valorem taxation of travel trailers shall be assessed and taxes collected solely as herein provided."

Section 8. Section 40-5-9, Code of Alabama 1975, is hereby amended as follows:

"§40-5-9.

"Notwithstanding the provisions of section 40-1-44, all ad valorem taxes becoming delinquent bear interest at the rate of twelve percent per annum, and such interest must be added to and collected as part of the taxes and reported in such manner as the comptroller may prescribe."

Section 9. Section 40-10-21, Code of Alabama 1975, is hereby amended as follows:

"§40-10-21.

"The certificate of purchase delivered by the tax collector to the purchaser at such sale or to the state in case the state is the purchaser is assignable in writing or by endorsement, and if the state is the purchaser such assignment shall be made by the land commissioner upon the payment of the amount bid by the state, with interest thereon at the rate of twelve percent per annum from the date of sale to the date of assignment, plus all taxes due on said lands since the date of sale, with interest thereon at twelve percent from date

of maturity. Such assignment shall vest in the assignee and his legal representatives all the right and title of the original purchaser or of the state in case the state is a purchaser.

“Upon such assignment it shall be the duty of the assignee or his legal representatives to assess such property as from the date of such assignment.

“Should such assignment be made after the third Monday in January, the assignee shall be allowed 30 days within which to assess such property before any penalties for such failure shall accrue.”

Section 10. Section 40-10-75, Code of Alabama 1975, is hereby amended as follows:

“§40-10-75.

“If, in any action brought for the possession of land sold for taxes, the title of the purchaser at the tax sale shall be defeated on account of any defect in the proceedings under which the sale is had, or on account of any defect in or insufficiency of the process by which the owner of the land was brought before the probate court, as is provided, or in the service of said process, or by reason of the failure of the judge of probate on account of any negligence or refusal on his part to produce when called upon, sufficient evidence of the proper issuance and service of said notice or process, or by reason of any other defect or insufficiency in any of the proceedings for the condemnation and sale of said property, or of the certificate or deed to said purchaser or any two or more of said causes, the officer or officers on account of whose omission or error said defect or insufficiency or defects or insufficiencies shall have arisen, together with the sureties on the official bond, shall be liable to the purchaser whose title shall be thus defeated and to his assignees for the full sum of the purchase money paid by him at said tax sale for said property, the cost of the action in which said title failed, which the purchaser shall have incurred in attempting to maintain his title under said tax sale, together with the interest upon each of these amounts, at the rate of twelve percent per annum; provided that, except as to the state, actions under this section shall be commenced within five years from the sale.”

Section 11. Section 40-10-76, Code of Alabama 1975, is hereby amended as follows:

“§40-10-76.

“If, in any action brought by the purchaser, or other person claiming under him, to recover the possession of lands sold for taxes, a recovery is defeated on the ground that such sale was invalid for any other reason than that the taxes were not due, the court shall

forthwith, on the motion of the plaintiff, ascertain the amount of taxes for which the lands were liable at the time of the sale and for the payment of which they were sold, with interest thereon from the date of sale, and the amount of such taxes on the lands, if any, as the plaintiff, or the person under whom he claims, has, since such sale, lawfully paid or assumed by the state after its purchase, with interest thereon from the date of such payment, the interest on both amounts to be computed at the rate of twelve percent per annum; and the court shall thereupon render judgment against the defendant in favor of the plaintiff for the amount ascertained and the costs of the action, which judgment shall constitute a lien on the lands sued for, and payment thereof may be enforced as in other cases."

Section 12. Section 40-10-77, Code of Alabama 1975, is hereby amended as follows:

"§40-10-77.

"If, in an action brought against such purchaser or other person claiming under him to recover possession of lands sold for taxes, the defendant claims and defends under the tax title and his defense fails on the ground that such sale was invalid or any reason other than that the taxes were not due, and the plaintiff recovers, the court shall forthwith, on the motion of the defendant, ascertain the amount of taxes for which the lands were liable at the time of the sale and for the payment of which they were sold, with interest thereon from the day of sale, and the amount of such taxes on the lands, if any, as the defendant or the person under whom he claims has, since such sale, lawfully paid or assumed, in case of the state, with interest thereon from the date of such payment, the interest on both amounts to be computed at the rate of twelve percent per annum; and the court shall thereupon render judgment against the plaintiff in favor of the defendant for the amount ascertained and the cost of the action, which judgment shall constitute a lien on the land sued for, the payment of which may be enforced as in other cases, and no writ of possession shall issue until such judgment has been satisfied, and the court may order the land sold or condemn it to the satisfaction of the debt."

Section 13. Section 40-10-83, Code of Alabama 1975, is hereby amended as follows:

"§40-10-83.

"When the action is against the person against whom the taxes were assessed or the owner of the land at the time of the sale, his heir, devisee, vendee or mortgagee, the court shall, on motion of the defendant made at any time before the trial of the action, ascertain the amount paid by the purchaser at the sale and of the taxes subsequently paid by the purchaser, together with twelve percent per

annum thereon, and a reasonable attorney's fee for the plaintiff's attorney for bringing the action, and shall enter judgment for the amount so ascertained in favor of the plaintiff against the defendant, and the judgment shall be a lien on the land sued for. Upon the payment into court of the amount of the judgment and costs, the court shall enter judgment for the defendant for the land, and all title and interest in the land shall by such judgment be divested out of the owner of the tax deed."

Section 14. Section 40-10-121, Code of Alabama 1975, is hereby amended as follows:

"§40-10-121.

"(a) In order to obtain the redemption of land from tax sales where the same has been heretofore or hereafter sold to the state, the party desiring to make such redemption shall apply therefor as hereinafter provided and shall deposit with the judge of probate of the county in which the land is situated the amount of money for which the lands were sold, with interest thereon at the rate of twelve percent, together with the amount of all taxes found to be due on such land since the date of sale, as provided herein, with interest at the rate of twelve percent and all costs and fees due to officers.

"(b) Upon application to the probate judge to redeem land where the same has been sold to the state for taxes, which application shall be made on blank forms to be furnished by the land commissioner, the probate judge shall submit such application to the tax assessor of the county in which the land sought to be redeemed is located, and the assessor shall without delay enter on such application an assessment value for each of the years for which taxes are due, subsequent to the year for which such land was sold to the state for taxes, and such assessment value shall be such percentage as established by law of the fair and reasonable market value of such lands as of October 1 of the year or years subsequent to the year for which the land was sold for taxes.

"(c) Any party having a right to redeem said property, his agents or attorney, shall have the right to file a written protest with the board of equalization, objecting to the valuation of said land as placed on said property by the tax assessor, setting forth his ground of objection to the assessed value of said property as fixed by said tax assessor, and the board of equalization shall, thereafter, fix a day for hearing said protest by giving to the tax assessor and party desiring to redeem, his agents or attorney, at least 10 days' written notice of the day and place of hearing said petition, and upon the hearing of said cause, the board of equalization shall have the right to review the assessed value of said property as fixed by the tax assessor and shall fix and determine the assessed value for each of the years

subsequent to the year for which such land was sold to the state for taxes, and the board of equalization shall certify to the probate judge the assessed value of the land so fixed.

“(d) The redemptioner shall deposit with the probate judge the amount of money for which lands were sold for taxes, plus the amount due for subsequent years based on the assessment value as required to be fixed herein, and interest, costs and fees as provided in this section.

“(e) If any balance remains due to the state upon any lien arising by reason of any installment redemption the payment of which is secured under the provisions of section 40-10-141, the redemptioner shall also deposit with the probate judge the amount of the balance due upon such lien, with interest to the date of redemption.

“(f) If the lands sought to be redeemed, or any portion thereof, are situated in any municipality, the redemptioner shall also deposit with the probate judge the amount of any unpaid taxes assessed against the same by such municipality, and an amount equal to any municipal taxes thereon which, subsequent to the tax sale, were not assessed by reason of the fact that such land had been purchased by the state of Alabama, plus interest which would have accrued upon such municipal taxes from the time the same would have otherwise become delinquent, which amounts, with interest, shall be treated and distributed in the same manner as taxes and interest thereon.”

Section 15. Section 40-10-122, Code of Alabama 1975, is hereby amended as follows:

“§40-10-122.

“In order to obtain the redemption of land from tax sales where the same has been sold to one other than the state, the party desiring to make such redemption shall deposit with the judge of probate of the county in which the land is situated the amount of money for which the lands were sold, with interest thereon at the rate of twelve percent per annum from date of sale, together with the amount of all taxes which have been paid by the purchaser, which fact shall be ascertained by consulting the records in the office of the tax collector, or other tax collecting official, with interest on said payment at twelve percent per annum. If any taxes on said land have been assessed to the purchaser and have not been paid, and if said taxes are due which may be ascertained by consulting the tax collector or other tax collecting official of the county, the probate judge shall also require the party desiring to redeem said land to pay the tax collector or other tax collecting official the taxes due on said lands which have not been paid by the purchaser before he is entitled to redeem the same. In all redemptions of land from tax sales, the party

securing the redemption shall pay all costs and fees as herein provided for due to officers and a fee of \$.50 to the judge of probate for his services in the matter of redemption."

Section 16. Section 40-10-132, Code of Alabama 1975, is hereby amended as follows:

"§40-10-132.

"It shall be the duty of the land commissioner to cause to be prepared a suitable book, in which shall be entered a description, as accurate as can be obtained, of all the lands which have been bid in by the state, with the amount of state and county taxes due thereon and the date when such lands were bid in; and, when three years shall have elapsed from the date of sale, such portions of lands as have not been redeemed shall be subject to sale by the state; and the land commissioner, with the approval of the governor, may sell the same at private sale to any purchaser, who may pay therefor in cash to the treasurer such sum of money as the land commissioner may ascertain to be sufficient to cover and satisfy all claims of the state and county, which sum shall not be less than the amount of money for which the lands were bid in by the state, with interest thereon at the rate of twelve percent per annum from the date of sale, together with the amount of all taxes due on said lands since date of sale, with interest thereon at the rate of twelve percent per annum from the maturity of such taxes; provided that, if lands have not been redeemed or sold by the state within five years from the date of sale, such lands may be sold by the land commissioner as hereinafter provided."

Section 17. Section 40-7-21, Code of Alabama 1975, is hereby amended as follows:

"§40-7-21.

"(a) It shall be a Class C misdemeanor for any taxpayer, or attorney or agent of any taxpayer having authority to make tax returns, to fail, neglect or refuse on demand of the tax assessor, county revenue commissioner or other assessing official, to fill out or have filled out the schedule or list herein provided for, or to fail to give the information herein provided for, or to fail, refuse or neglect to take and subscribe to the oath or affirmation required to such schedules or fail to return the same to the assessing official as prescribed by law.

"(b) The county tax assessor, the county revenue commissioner or other county assessing official, the department of revenue, their agents and designated representatives, shall have authority to audit, examine and inspect any and all records and property as needed to enforce the taxes imposed by this chapter."

Section 18. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 20. This Act shall become effective on October 1, 1988.

Approved September 22, 1988

Time: 2:01 P.M.

Act No. 88-825

H. 224—Rep. Hogan

AN ACT

To amend Section 36-1-6.1 of the Code of Alabama 1975, relating to insurance coverage for state employees or agents of the state, so as to provide that such coverage includes individuals serving as foster parents approved by the Department of Human Resources.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-1-6.1, Code of Alabama 1975, is hereby amended so as to read as follows:

“§ 36-1-6.1

“(a) The various state agencies, departments, boards or commissions shall determine and report their needs for liability coverage to the finance director, the insurance commissioner, and the attorney general. The finance director, with the advice of the insurance commissioner and attorney general, shall then determine the type of blanket policy needed to provide basic coverage for deaths, injuries, or damages arising out of the negligent or wrongful acts or omissions committed by state employees or agents of the state, including individuals serving as foster parents licensed or approved by the Department of Human Resources to maintain homes for a child or children under the supervision of said department or serving as adult foster care providers approved by the Department of Human Resources to provide foster care for adults under the supervision of the Department of Human Resources, while in the performance of their official duties in the line and scope of their employment or duties as foster parents or foster care providers. Any policy of insurance or reinsurance shall be selected by the finance director on a competitive bid basis for an initial period of three years with a provision for annual review beginning October 1, 1987.

“(b) The finance director, with the advice of the insurance commissioner and the attorney general, may provide for self-insurance of the entire state or any part of the state under such terms and conditions as the finance director shall determine. Any funds appropriated for the purpose of self-insurance and paid into a special trust account under the provisions of this section shall not revert to the state treasury at the end of a fiscal year, but may be carried over from year to year provided such funds are not used for any other purpose.

“(c) In any action brought in the courts of the state of Alabama or United States wherein a plaintiff seeks damages arising out of the negligent or wrongful acts or omissions committed by state employees or agents of the state, including those foster parents and foster care providers specified in subsection (a) herein, while in the performance of their official duties in the line and scope of their employment or duties as foster parents or foster care providers, the plaintiff shall cause the attorney general of the state of Alabama to be served with a copy of the suit against the employee, agent or servant of the board, agency, commission or department.

“(d) The charges or costs of the liability insurance or self-insurance provided under the provision of this section shall be paid from the funds appropriated for the operation of the several state departments, agencies, boards, or commissions. The finance director may apportion the costs or charges to the several state departments, agencies, boards or commissions in order to cover the risk involved.

“(e) The provisions of this section shall not apply to any educational institution or board in this state.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 2:00 P.M.

Act No. 88-826

H. 153—Rep. Reed

AN ACT

To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one million six hundred

ninety-four thousand seven hundred ninety-two dollars (\$1,694,792), out of the funds in the Alabama Special Educational Trust Fund, to Tuskegee University located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. In addition to the above appropriation, there is also hereby appropriated the sum of two million dollars (\$2,000,000) from the Alabama Special Educational Trust Fund to be conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Section 3. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 4. This Act shall become effective October 1, 1988.

Approved September 22, 1988

Time: 12:09 P.M.

Act No. 88-827

H. 346—Rep. Britnell

AN ACT

Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), is hereby amended to read as follows:

“Section 1. In addition to the tax levied by Act No. 515, H. 756, 1963 Regular Session (Acts 1963, p. 1100), there is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Franklin County a county privilege, license or excise tax up to the following amounts:

“(1) Four cents for each package of cigarettes, made of tobacco or any substitute therefor.

“(2) Four cents for each package of twenty little cigars made of tobacco or any substitute therefor.

“(3) Four cents for each cigar of any description other than those described in (2) above made of tobacco or any substitute therefor.

“(4) Four cents for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

“(5) Four cents for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subdivision (4) of this section.

“(6) Four cents for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

“(7) Fifteen cents for each package of tobacco paper, both gummed and ungummed.

“Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

“Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

“Section 2. Upon passage of this act there is levied on every person, firm, corporation, club or association that sells or stores or receives for the purpose of distribution in Franklin County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and the tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer,

storer or distributor engaged in or continuing in Franklin County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than \$100.00 or imprisoned in the county jail for not more than 60 days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

"Section 3. It shall be the duty of the county commission of Franklin County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Franklin County commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue, if requested by resolution of the Franklin County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax. However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

"Section 4. The state department of revenue, if requested by resolution of the Franklin County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, is hereby authorized to promulgate and enforce rules and regulations to effectuate the

purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

"Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

"Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue to the Franklin County commission to be deposited in two separate accounts to the credit of either the Franklin County Water Coordinating and Fire Prevention Authority or the Franklin County Volunteer Fire and Rescue Association as follows:

"(1) Sixty percent to the Franklin County Water Coordinating and Fire Prevention Authority.

"(2) Forty percent to the Franklin County Volunteer Fire and Rescue Association, to be divided as follows:

"a. Twenty-five percent to the Franklin County Firefighters Association;

"b. Ten percent to rescue squad associations; and

"c. Five percent to public licensed ambulance services if such services are authorized and created by such association.

"The Franklin County Fire and Rescue Association shall have authority to promulgate rules and regulations having the force and effect of law for the distribution of the funds under subdivision (2) of this section.

"Distribution shall be made by the Franklin County commission to the separate accounts upon written request of the chairman of the respective Franklin County Water Coordinating and Fire Prevention Authority and the Franklin County Volunteer Fire and Rescue Association. Said written request shall be submitted to the Franklin County commission and shall become a permanent part of the minutes of the commission. A copy of the written request shall be retained by the requesting authority or association to be entered in their permanent records.

"Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

"(b) This act shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale

dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

"Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 10. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:27 P.M.

Act No. 88-828

H. 335—Rep. Richardson

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Scottsboro in Jackson County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

A part of the Northwest quarter of the Southwest quarter, a part of the Southwest quarter of the Northwest quarter, a part of the Southeast quarter of the Northwest quarter, and a part of the Northwest quarter of the Northwest quarter of Section 28, Township 5 South, Range 5 East, and a part of the Northeast quarter of the Southeast quarter and a part of the Southeast quarter of the Northeast quarter of Section 29, Township 5 South, Range 5 East of the Huntsville Meridian, Jackson County, Alabama, more particularly described as follows:

Commence at TVA Monument 51 (coordinates: X=416,499 and Y=1,485,344); said point is the true point of beginning; thence South 00 degrees 44 minutes West 542 feet to Monument 50; thence South

58 degrees 56 minutes West 182 feet to Monument 49; thence South 64 degrees 13 minutes East 950 feet to Monument 48; thence South 51 degrees 09 minutes West 950 feet to Monument 47; thence South 00 degrees 56 minutes West 408 feet to Monument 47-99; thence North 84 degrees 58 minutes West 279 feet to Monument 47-98 at the 600 foot contour; thence continue North 84 degrees 58 minutes West and to the 595.44 foot contour; thence along the meander of the 595.44 foot contour and to the Southeast side of State Road 79; thence along the 595.44 foot contour along the Southeast embankment of State Road 79 approximately South 58 degrees West and to the West boundary of the Southeast quarter of the Northeast quarter of Section 29, Township 5 South, Range 5 East; thence crossing State Road 79 and along the West boundary of the Southeast quarter of the Northeast quarter of Section 29, Township 5 South, Range 5 East North to TVA Monument 53; thence North 88 degrees 20 minutes East 1348 feet to Monument 52; thence North 58 degrees 10 minutes East 950 feet to Monument 51 and the point of beginning and containing approximately 70 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:26 P.M.

Act No. 88-829

H. 326—Rep. Laird

AN ACT

Relating to Clay County, repealing Act No. 88-426, H. 938, enacted in the Regular Session of 1988, allowing the Clay County Health Department to set fees for service.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 88-426, H. 938, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:25 P.M.

Act No. 88-830

H. 324—Reps. Bugg, Junkins and Ford

AN ACT

Relating to the City of Gadsden, in Etowah County, amending Section 14 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158), as amended by Act No. 88-434, H. 59, 1988 Regular Session, which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for the meetings of the civil service board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158), as amended by Act No. 88-434, H. 59, 1988 Regular Session, is hereby amended to read as follows:

“Section 14. ELECTION OF CHAIRMAN. The civil service board shall elect one of its members as chairperson who shall hold office as such chairperson at the pleasure of the board. The civil service board shall hold regular monthly meetings at the same time each month with the meeting dates established and made public through posting at the meeting place and through the media by the first day of each year for the transaction of business. It may hold special meetings at any time as called by the chairperson provided at least 48 hours advance public notice of such special meetings has been both posted on the bulletin board nearest to the meeting place in city hall and has been given through the news media. All meetings of the board shall be held in the city hall.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:24 P.M.

Act No. 88-831

H. 315—Reps. Carothers, Mathis
and Beasley

AN ACT

To amend Sections 1.03, 3.02, 3.14, 4.01, 4.02, 6.02 and 10.01 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing in Article 1 of Chapter 44E of Title

11, Code of Alabama 1975, providing for a Mayor/Commission/City Manager form of government for Class 5 municipalities upon adoption by a municipality, so as to further provide for said form of government for Class 5 municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1.03 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing as Section 11-44E-3 of the Code of Alabama 1975, is hereby amended as follows:

“1.03. Election of first Commission and first Mayor; term of office.—Upon the adoption of such form of government and approval by the Justice Department, the Mayor, shall call an election, to be governed by this Act, to be held no later than the second Tuesday in July 1989 and every four years thereafter for the positions of Mayor and Associate Commissioner for District 2. The expense thereof shall be paid by such City. The Mayor and all Commission candidates for District 2 shall qualify as provided in Sections 3.02 and 4.02 hereof and shall have the qualifications and eligibility set forth in Section 3.03 hereof. The Associate Commissioners of Districts 1, 3 and 4 shall continue to hold their respective offices until the first Monday in October, 1991. Under applicable laws for the election of Commissioners to the Commission, the Mayor, within the scope of this Act, shall provide for an election to be held on the second Tuesday in July, 1991, and every four years thereafter for the positions of Associate Commissioners of Districts 1, 3 and 4 in the manner herein provided.

“Each voter in the election may cast one vote for a candidate from his/her district and one vote for a candidate for Mayor. Any district commissioner candidate receiving a majority of the total votes cast from the district in which he (she) is a candidate shall be declared elected as a commissioner from his (her) district. In the event that no candidate receives a majority, the two candidates receiving the highest number of votes cast shall be eligible for a second (runoff) election. Such election shall be held on the second Tuesday next thereafter following the first election. The candidate for the commissioner receiving a majority of votes cast in the second election shall be declared elected to such designated office. The commissioners so elected shall take office on the first Monday in October following the election. Each commissioner shall hold office for four years, but shall serve until his successor shall have been designated as prescribed elsewhere in this Act. A commissioner may succeed himself in office.

“The candidate for mayor receiving the majority of votes cast at the first election shall be elected thereto. If at the first election no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes shall be declared eligible for a second (run-off) election. The second (run-off) election shall be

held on the second Tuesday next thereafter following the first election. The candidate receiving the majority of votes cast in the second (run-off) election shall be declared elected to such office.

“Notwithstanding any notice requirements of any other statute or statutes concerning municipal elections, a notice shall be published by the city clerk no earlier than the second Tuesday and no later than the third Tuesday in May preceding the election. Said notice shall, in substance, state the month, day and year of said election and the purpose for which it is called. Said notice shall further recite that the city has been divided into districts as provided under this Act and state where a copy of the district division is on file. Said notice shall be published at least one time in a newspaper published in the city, and if no newspaper is published in the city, then by posting notices in three public places within the municipality. The election of the first commission shall, be held and conducted, in the same manner as provided by law unless otherwise provided for in this Act. All municipal officials of the city shall have the same duties and responsibilities as they have with respect to municipal elections as provided by law. The call of said election by the Mayor shall be sufficient to require any municipal officer or officers to comply with their duties and responsibilities with regard to all municipal elections, including the designation of places of voting, appointment of election officers and other matters concerning the election. Said officer or officers shall issue any orders necessary to cause all election requirements to be met.”

Section 2. Section 3.02 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing as Section 11-44E-41 of the Code of Alabama 1975, is hereby amended to read as follows:

“3.02. Statement of candidacy.—Any person desiring to become a candidate in any election for the office of commissioner may become such candidate by filing in the office of the city clerk a statement in writing of such candidacy accompanied by a petition signed by a minimum of fifty registered voters of such commission district or in the case of Mayor, one hundred registered voters of the municipality, endorsing the candidacy of such candidate and an affidavit taken and certified by such city clerk or notary public. Such statement shall be filed by 5:00 P.M. on the first Tuesday in June preceding the date set for the election and shall be substantially the following form: ‘State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said City of _____, that I desire to become a candidate for the office of commissioner for District _____, in said city at the election for said office to be held on the _____ day of _____

and that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Sworn to and subscribed before me on this _____ day of _____, 19____, and filed in this office for record on said day. _____, City Clerk.' Said statement shall be accompanied by a qualifying fee in the amount of \$150.00 for candidates for commissioner, which fee shall be paid over by the city clerk to the general fund of the city. Any person may file with the city clerk, a verified pauper's oath that he (she) does not have the financial resources to pay a qualifying fee and thereupon shall be exempt from filing such fee. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth. No primary election shall be held for the nomination of candidates for the office of mayor or commissioner and candidates shall be nominated only as hereinabove described."

Section 3. Section 3.14 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing as Section 11-44E-53 of the Code of Alabama 1975, is hereby amended to read as follows:

"3.14. Codification authorized.—The commission may provide at any time it may deem proper, for the revision and codification of its resolutions, by-laws and ordinances, or for the adoption of a code or codes by ordinance. Such code or codes and the revisions or amendments thereof may relate to the whole system of city resolutions, by-laws and ordinances, or may relate to that portion of such resolutions, by-laws, and ordinances, which relate to, affect or purport to govern any particular subject or subjects or sub-division of municipal legislation. The commission shall have full power and authority to prescribe the manner in which said code or codes, revisions or amendments thereto, shall be made public, whether by proclamation of any officer or officers of said city by posting or by publication, one or all, but it shall not be necessary unless so prescribed by the commission for such code or codes, revisions or amendments thereto, to be published in a newspaper or newspapers. Nor shall it be necessary that such code or codes, revisions or amendments thereto, be spread at length upon the minutes. The commission may prescribe that such code or codes, revisions or amendments thereto, be spread at length upon the minutes. The commission may prescribe that such code or codes, revisions or amendments thereto may be certified by and filed with the city clerk, or other corresponding officer, in lieu of spreading the same on the minutes; and the commission may prescribe the manner in which copies of such code or codes, revisions or amendments thereto, may be officially certified for use by the inhabitants or by the courts. The commission may adopt and provide for the maintenance in a designated office of the city a comprehensive zoning map of the city

open for inspection by the public at all reasonable times, and may make such zoning map a part of any ordinance by reference thereto in such ordinance and without publication of such zoning map in any newspaper. Such zoning map need not be in one piece but may for convenience be in sections. A zoning map of territory newly added to the city shall be treated as a comprehensive zoning of the city for purposes of application of the provisions of the preceding sentence."

Section 4. Section 4.01 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing as Section 11-44E-70 of the Code of Alabama 1975, is hereby amended to read as follows:

"4.01. Election; term; qualification.—The mayor shall be elected at the same election at which the one (1) commissioner for District 2 is elected under the provisions of Article II of this Act and shall hold office for four years. The mayor shall qualify and take office in the manner hereinafter prescribed on the first Monday in October following his (her) election. The regular election for mayor shall be held on the second Tuesday of July, 1989 and every four years thereafter. The mayor elected at any such regular election shall on or before the first Monday in October following his (her) election make oath that he (she) is eligible for said office and will execute the duties of same according to the best of his (her) knowledge and ability. At any election for mayor the candidate receiving a majority of votes for the office shall be elected thereto. If at the first election a majority is not received by any candidate for the office of mayor, the two candidates receiving the highest number of votes shall be declared eligible for a second (run-off) election to be held on the second Tuesday next thereafter following the first election."

Section 5. Section 4.02 of Act No. 88-445, H. 963 of the 1988 Regular Session, appearing as Section 11-44E-71 of the Code of Alabama 1975, is hereby amended to read as follows:

"4.02. Statement of candidacy.—Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the city clerk a statement in writing of such candidacy, accompanied by a petition signed by a minimum of 100 registered voters of such city endorsing the candidacy of such candidate and an affidavit taken and certified by such city clerk or by a notary public that such person is duly qualified to hold the office for which he (she) desires to be a candidate. Such statement shall be filed by 5:00 p.m. on the first Tuesday in June preceding the day set for such election and shall be in substantially the following form: 'State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said City of _____, that I desire to

become a candidate for the office of mayor in said City at the election for said office to be held on the _____ day of _____ and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Sworn to and subscribed before me by said _____ on this _____ day of _____ 19____, and filed in this office for record on said day _____, City Clerk.' Said statement shall be accompanied by a qualifying fee in the amount equal to \$300.00 which qualifying fee shall be paid over by the City Clerk to the general fund of the city. Any person may file with the City Clerk, a verified pauper's oath that he (she) does not have the financial resources to pay a qualifying fee and thereupon shall be exempt from filing such fee. No names shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions of this Act."

Section 6. Section 6.02 of Act No. 88-445, H. 963 of the 1988 Regular Session, appearing as Section 11-44E-111 of the Code of Alabama 1975, is hereby amended to read as follows:

"6.02. Submission of budgets.—On a day to be fixed by the commission, but in no case later than the 1st day of September in each year the city manager shall submit to the commission:

"a) A separate current revenue and expense budget for the general operation of the city government to be known as 'Operations Budget'; and

b) A budget message.

On a day to be fixed by the commission, but in no case later than the 20th day of March each year the City Manager shall submit to the commission:

i) A Supplemental Budget, which shall encompass new programs or activities, capital expenditures, and new personnel additions.

ii) A budget message.

When submitting budgets to the commission, the City Manager shall submit his recommendation of new sources of revenue or manner of increasing existing sources of revenue, sufficient to balance the budgets, if such additional revenue is necessary to accomplish that purpose."

Section 7. Section 10.01 of Act No. 88-445, H. 963 of the 1988 Regular Session, appearing as Section 11-44E-180 of the Code of Alabama 1975, is hereby amended to read as follows:

"10.01. Removal of officers and employees. Subject to the provisions of any civil service or merit system applicable to the city,

and Section 5.03 of this Act, any officer or employee or a head of any office, department or agency, may be removed by the city manager or other appointing officer at any time, and the decision of the city manager, or other appointing officer shall be subject to appeals therefrom, if any provided by applicable law."

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:23 P.M.

Act No. 88-832

H. 312—Reps. Rogers, Spratt, McClain,
McDowell, Newton, Davis,
Wright, Escott and Perdue

AN ACT

Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. All full-time court referees and full-time standing masters in Jefferson County shall receive a county supplemental salary equal to fifty percent (50%) of any county supplemental salary payable to their respective appointing judges. Said county supplemental salary shall be payable in equal monthly installments from the county general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:22 P.M.

Act No. 88-833

H. 294—Rep. Venable

AN ACT

Relating to Elmore County; to amend Act No. 84-634 of the 1984 Regular Session relating to the compensation of members of the county commission, so as to alter the amount of said compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 84-634, H. 974, of the 1984 Regular Session (Acts of 1984, p. 1285), is hereby amended to read as follows:

“Section 1. Each member of the Elmore County Commission shall receive \$19,000.00 total compensation per annum, including all salary and expense allowances, payable in monthly installments from the county commission; provided, however, said compensation shall not include mileage, which shall be paid as now provided by law.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:21 P.M.

Act No. 88-834

H. 228—Rep. Perdue

AN ACT

To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, be and is hereby further amended to add to Article IV. Eligibility to Participate, Section 3. Elected Officials and Employees in the Unclassified Service, a further subsection, to read in full as follows:

“(a) Elected Officials. As used in this subsection (a), and as hereinafter used in this act, the following words and terms have the meanings hereby accorded them: ‘office’ means an elective office of

the City; 'officer' means a person holding an office as herein defined; 'effective date of (a)' means the effective date of this subsection (a) of this Section 3 of this ARTICLE IV.

"Each officer shall be eligible to become a member of the System by exercising the option hereby given to the manner and within the time provided for in this subsection (a) and not thereafter.

"Any person an officer on the effective date of (a) may exercise such option within ninety (90) days from the effective date of this (a). Any person not an officer on the effective date of (a) who thereafter becomes an officer may exercise such option within ninety (90) days after he becomes an officer. An officer desiring to become a member under this subsection (a) will deliver to the city finance officer, within the time above specified, a statement signed by him reciting that he elects to become a member of the System. The election thus made shall be irrevocable. After thus electing to become a member an officer shall be subject to all burdens and entitled to all rights attached to membership in the System, including the subjection of his salary to salary deductions and entitlement to contributions by the City on his behalf to the fund in accordance with the provisions of this act, for salary deductions and contributions by the City to the pension fund on behalf of members of the System.

"As herein used, the term 'prior service' means a person's service as an officer prior to his entering the System; the term 'liability for unpaid contributions' means the liability an officer must discharge to convert his prior service to Credited Service, the amount of which liability shall be the sum of these two amounts: (1) the sum of all contributions the officer would have paid the System from his salary during his prior service had his salary been subject to deductions for contributions, at the rate applicable when the officer received his salary; and (2) interest at the rate of four percent on each separate contribution the officer would have made to the System had he been a member during his prior service calculated from the date whereon he would have made such contribution had he been a member of the System to the date he pays such contribution. No officer shall receive credit for pension purposes for prior service unless he converts such prior service to Credited Service as herein provided.

"When an officer becomes a member of the System he may then, but not thereafter, elect to convert prior service to Credited Service. Upon electing to convert his prior service to Credited Service he shall then discharge his liability for unpaid contributions in one of the manners prescribed in the two sentences next following. He may discharge such liability by then paying to the System the full amount of such liability. Unless he then discharges in full such liability, at the end of each payroll period following his election to convert prior service to Credited Service, the City, in addition to deductions from

the officer's salary, otherwise provided for, shall deduct from such salary for each payroll period an amount equal to five percent of such liability for unpaid contributions, together with interest thereon at the rate of six percent from the date whereon the officer enters the System until such liability (including interest) is fully discharged.

"Contemporaneously with the officer's discharging his liability for unpaid contributions for all or any part of his prior service converted to Credited Service, or with the City's making any payment to the General Employees' System through salary deductions to discharge such liability, the City will pay to the fund of the General Employees' System from the general funds of the City an amount equal to the sum of these two amounts: (1) the sum of all payments the City would have made from the general funds of the City to the fund of General Employees' Pension System if the officer had been a member of the System during all of that period of his prior service which he converts to Credited Service; and (2) interest at the rate of four percent per annum on each separate payment the City would have made to the said fund from the general funds of the City from the dates on which the City would have made the respective payments had the officer been a member of the System to the date on which the City makes such payments.

"(b) Unclassified Service. Each Qualified Employee of the City who is in the unclassified service shall be eligible to participate in the System provided he shall elect in writing to so participate within fifteen (15) days of his first becoming a qualified Employee in the unclassified service.

"(c) Unclassified Service: Effective January 1, 1989, each newly hired or rehired employee of the City of Birmingham who is in the unclassified service and who is normally scheduled to work sixteen (16) days per month or more, shall be a participant in the System. Each such employee who is employed by the City of Birmingham on January 1, 1989, and immediately preceding such day, shall have the option (1) to elect to continue to participate in any unclassified pension plan which may be provided by said City, thereby permanently and irrevocably waiving any credit in this System under this provision; or (2) to elect participation in this System. Selection of option (2) will give such participant the right to purchase prior unclassified service as described in Article V, Section 7., Purchase of Credit for Prior Unclassified Service, if such service totals less than ten years. Payment for such time under ten years may be made in full or by payroll deduction over a period not exceeding two years at an interest rate of six (6) percent per annum or as set by the Board of Managers. If such service totals more than ten years, selection of option (2) will provide the participant with credit for one-half of each year completed in the unclassified service of the

City prior to becoming a participant or employee member and shall require the payment only of any refund of contributions from any unclassified service pension directly to this System. The option herein provided shall be exercised not later than May 15, 1989. In the event an individual does not exercise this option in writing, that individual shall be continued in any unclassified service under option (1) above."

Section 2. Any act or portion thereof which is in conflict with this act is hereby repealed to the extent of such conflict.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor.

Approved September 22, 1988

Time: 12:20 P.M.

Act No. 88-835

H. 215—Rep. Harvey

AN ACT

Relating to Blount County; to provide further for fire districts within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County the county commission shall have the power and authority to establish rules and regulations governing the establishment, operation and control of fire districts on matters not specifically covered by local or general law.

Section 2. The Blount County commission shall have the authority to establish fire district lines and boundaries within the county.

Section 3. All rules and regulations promulgated under authority of this act by the Blount County commission shall be in consultation with the Blount County Fire Protection Association; however, if there is a conflict between the county commission and the Blount County Fire Protection Association as to the establishment or promulgation of a rule or regulation, the decision of the Blount County commission shall be final.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:19 P.M.

Act No. 88-836

H. 183—Rep. White (F)

AN ACT

Relating to Escambia County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of cigarettes in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes tobacco in Escambia County a county privilege, license or excise tax up to:

Three cents (\$0.03) for each package of cigarettes, made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes.

Section 2. Upon passage of this act there is levied on every person, firm, corporation, club or association that sells or stores or receives for the purpose of distribution in Escambia County any cigarettes shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, acting merely as agent for the collection of the tax. The dealer, storer or distributor shall state the amount of the tax separately from the price of the cigarettes, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes. It shall be unlawful for any dealer, storer or

distributor engaged in or continuing in Escambia County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than 60 days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby levied shall be paid on a monthly basis by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue, if requested by resolution of the Escambia County Commission to collect the county privilege license or tax specified in Section 1, for as long as the department is requested to collect said levy, shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax. However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

Section 4. It shall be the duty of the county commission of Escambia County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Escambia County Commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the

tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue into the county general fund of Escambia County to be expended as follows:

(1) 1/2 cent to the county general fund.

(2) 2 1/2 cent to all fire departments, volunteer and municipal and the Escambia County rescue squad and the Flomaton fire department and rescue squad on an equal basis. Each municipal fire chief may expend that department's share in any manner he deems necessary for the operation of and equipment for that fire department, except none shall be expended for salaries. Volunteer fire departments shall expend their shares only as prescribed in their respective by-laws or articles of incorporation, except no proceeds distributed under this act shall be expended for salaries. Each fire department shall participate so long as such fire department is certified by the district forester of the Alabama Forestry Commission in Escambia County. Any fire department failing to meet certification standards shall be suspended from participation in the revenue until those standards are met and said fire department's revenue shall be equally distributed among the fire departments meeting the certification standards.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This act shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:18 P.M.

AN ACT

To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfer" tax, thereby adding revenues to the state of Alabama without increasing the total tax liability of taxpayers.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to this act, the term "generation-skipping transfer" shall have the meaning ascribed to it in Section 2611 of the Internal Revenue Code, as amended from time to time.

Section 2. Subject to the exception hereinafter stated, there is hereby levied and imposed upon all generation-skipping transfers occurring after December 31, 1987 that involve property subject to tax pursuant to section 3 hereunder, a tax equal to the full amount of state tax permissible when levied by and paid to the state of Alabama as a credit in computing any federal generation-skipping transfer tax imposed on such transfer according to the act of Congress in effect, on the date of the transfer. The tax hereby imposed shall not exceed in the aggregate amounts which may by any law of the United States be allowed to be credited against such federal generation-skipping transfer tax. The generation-skipping transfer tax hereby levied shall be levied only so long as and during the time a generation-skipping transfer tax is enforced by the United States against Alabama generation-skipping transfers and shall only be exercised or enforced to the extent of absorbing the maximum amount of any deduction or credit which may be permitted by the laws of the United States now existing or hereafter enacted to be claimed by reason thereof as a deduction or credit against such similar tax of the United States applicable to Alabama generation-skipping transfers. The rates of taxation, the method of arriving thereat and the definition of "generation-skipping transfer" and "transferor" shall be as provided in such act of Congress.

Section 3. The tax imposed by the provisions of this act shall be applicable to the following property:

(a) Any intangible personal property of a transferor who is domiciled in the state of Alabama (i) as of the date of the transfer, or (ii) as of the date of his death if such transfer occurs after the date of his death,

(b) Any tangible personal property and real property of a transferor which is located in the state of Alabama as of the date of the generation-skipping transfer.

Section 4. (a) The tax imposed by this act shall be paid by such individual or entity person as is liable for making payment of the federal generation-skipping transfer tax pursuant to federal law.

(b) The tax imposed by this act shall be charged to the same property as is designated by federal law for the payment of the federal generation-skipping tax, and if not so provided, then on the same basis and in the same manner as provided in section 40-15-18, Code of Alabama 1975, for the payment of estate taxes.

Section 5. (a) A duplicate of all the returns filed with the federal authorities in connection with the federal generation-skipping transfer tax shall be filed with the Department of Revenue of the state of Alabama. When such duplicate return is filed with the Department of Revenue, it shall compute the amount of tax that would be due upon said return as federal generation-skipping transfer tax imposed under any federal act permitting credit for a state generation-skipping transfer tax and shall assess against the transfer the amount levied and found to be due under the provisions of such act or acts. If, after the filing of any duplicate returns herein required and the determination of the state generation-skipping transfer tax, the federal authorities shall increase or decrease the amount of the federal generation-skipping transfer tax, an amended return shall be filed with the Department of Revenue, showing all of the changes made in the original return and the amount of final increase or decrease in the federal tax. In the event of an increase in the federal tax, the Department of Revenue shall assess against the transfer the additional amount found to be due hereunder. In the event of a decrease in the federal tax, the state shall refund to the transferor its proportion of said decrease.

(b) The tax imposed by this act shall be due and payable on or before the time prescribed for filing the return and making payment of the federal generation-skipping transfer tax, and such payment and duplicate return shall be filed and paid with the Department of Revenue by the person who is required to make the return according to regulations prescribed by the Secretary of the Treasury, in accordance with the guidelines of §2662, Internal Revenue Code.

(c) All revenues collected under the provisions of this act shall be deposited to the state general fund.

Section 6. (a) Upon the failure to timely make and file with the Department of Revenue the reports herein required against which a generation-skipping transfer tax is required to be paid to the state of Alabama, such transfer may be appraised and assessed for the generation-skipping transfer tax herein levied by the Department of Revenue and the Department's authorized representative or agent shall have full power and authority to require the production of all

evidence that will enable the agent to determine the value of all transferred property subject to be taxed under this act.

(b) Where appropriate returns are made and information supplied to the Department of Revenue concerning the payment of generation-skipping transfer tax without payment thereof, the Department shall make a final assessment of the tax due. From any final assessment made by the Department of Revenue under this act, an appeal may be taken by any party adversely affected thereby, including the Department of Revenue. The appeal shall be handled in the same manner as in other appeals from assessments made by the Department of Revenue, pursuant to the procedures of section 40-2-22, Code of Alabama 1975.

Section 7. The tax hereby levied being based and conditioned upon the levy of a similar tax by the United States, in the event that after due return filed with the federal authorities and the Department of Revenue, the tax shall not have been arrived at when payment would otherwise become due or delinquent hereunder, then and in such event the time for payment of the tax due hereunder shall, on showing being made to the Department of Revenue, be extended until final agreement, determination or assessment of tax shall have been made by the federal authorities; provided, that the Department of Revenue may demand and require the payment of such amount of the tax as it may determine will not be in excess of the total tax that will be due the state of Alabama under this act, as shown by the tax return made, when the final determination of the amount of the assessment shall have been made for federal tax purposes.

Section 8. The tax imposed under the provisions of this act, after tentative notice and opportunity to protest if a return has been made as contemplated hereby, shall have the full force and effect of a judgment on which execution may be issued by the Department of Revenue, and if an individual or entity taxable under this act fails to pay the amount assessed within six months after notice from the proper authorities as to the amount to be paid, or the due date of the return required to be filed hereunder, whichever is later, provided that no extension is granted in respect to the whole or any part of the tax, the Department of Revenue is hereby authorized and it shall be its duty to issue execution directed to the sheriff of any county in the state of Alabama in which any of the property subject to tax hereunder is located for the amount of such tax due, which execution shall be enforced by levy and sale, and the amount due shall bear interest at the rate established in section 40-1-44, Code of Alabama 1975, until paid.

Section 9. The state of Alabama shall have a lien for all taxes and interest thereon which are or may become due hereunder on all

property subject to taxes under this act, in whatever form of investment it may happen to be, and all property acquired in substitution therefor.

Section 10. The amount of the taxes imposed by this act and any deficiency in respect thereof shall be assessed within three years after the return is filed, and no proceeding in court or assessment for the collection of such taxes shall be begun after the expiration of 10 years after the return is filed.

Section 11. All or any part of the generation-skipping transfer tax or any deficiency in respect thereto not paid before the delinquent date shall bear interest at the rate established in section 40-1-44, Code of Alabama, until paid.

Section 12. In case any taxpayer has through mistake or error paid a generation-skipping transfer tax which is not legally due or has paid an amount in excess of that which was in fact due, such taxpayer may make an application for said refund within the time and manner as provided for refunds of state income tax and shall be entitled to the same rights and remedies thereunder. Such refund shall be made in the same manner as refunds are made in state income tax cases.

Section 13. The administration of this act shall be conducted in accordance with Title 40, chapter 15, Code of Alabama 1975, as amended. The Department of Revenue shall prescribe the forms and reasonable rules of procedure in conformity with this act for making returns and for ascertainment, assessment and collection of the taxes imposed hereunder.

Section 14. The Department of Revenue is hereby granted authority to issue regulations setting forth how an allocation of the tax imposed by this act shall be made in the event property subject to tax hereunder shall also be subject to a generation-skipping transfer tax in another state.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this act are hereby repealed.

Section 17. This act shall become effective upon the first day of the second month following the month of passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:17 P.M.

Act No. 88-838

H. 90—Rep. White (F)

AN ACT

Relating to the twenty-first judicial circuit, Escambia County, Alabama; providing further for expense allowances for the presiding circuit judge, circuit judge No. 2 and the district judge of the circuit; providing that such expense allowances shall be payable from the county treasury; and providing for an effective date for this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In the twenty-first judicial circuit, in Escambia County, the county commission shall pay the presiding circuit judge and circuit court judge No. 2 a total expense allowance of \$12,000 per annum. Such expense allowance shall be paid in equal monthly installments from the county treasury. Such expense allowances shall be in lieu of any expense allowances provided for by Act Nos. 569, H. 994 of the 1947 Regular Session (Acts 1947, p. 402, as amended); 531, S. 574, 1949 Regular Session (Acts 1949, p. 840); 249, H. 977, 1976 Regular Session (Acts 1976, p. 286); and Act No. 82-474, H. 811, 1982 Regular Session (Acts 1982, p. 795), or any other laws or parts of laws relating to expense allowances for such officer. These acts are repealed in part only to the extent there is a conflict with this act.

Section 2. The Escambia County Commission shall pay to the district court judge of the judicial circuit an annual expense allowance of \$6,000.00, payable in the same manner, as that received by the circuit judges provided for by Section 1 of this act. Such expense allowance shall be in lieu of any expense allowances heretofore provided for by law or parts of laws for such officer and these are repealed only to the extent there is a conflict with this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall be effective on the same date that House Bill 183 of the 1988 First Special Session becomes effective.

Approved September 22, 1988

Time: 12:16 P.M.

Act No. 88-839

H. 57—Rep. Marietta

AN ACT

To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for the amount of such pension and to provide such pension for certain widowers of governors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-13-12, Code of Alabama 1975, is hereby amended to read as follows:

“§36-13-12.

“Any unremarried widow or widower who was the wife or husband of any person who has held the office of governor of Alabama during such person’s term of office as governor shall be entitled to a pension of \$1,200.00 per month, which shall be payable at the end of each month from any funds in the state treasury not otherwise appropriated, until he or she remarries or dies.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:15 P.M.

Act No. 88-840

H. 338—Reps. Fuller and Laird

AN ACT

Relating to Chambers County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Chambers County favor a revenue commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 1991, upon the approval of a majority of the electors of Chambers County, there is hereby created the office of county revenue commissioner for Chambers County. Such revenue commissioner shall be elected at the general election

in 1990 and at the general election every six years thereafter, the same as the tax assessor and tax collector are now elected.

Section 2. The offices of tax assessor and tax collector of Chambers County are hereby abolished effective upon the implementation of this act, and the Revenue Commissioner shall perform all acts, duties, and functions required by law to be performed either by the tax assessor or the tax collector of the county, including, but not limited to, the assessment of all real property for taxation, the collection of taxes and distribution of taxes according to law, the keeping of records, and the making of reports concerning assessments.

Section 3. Subject to the approval of the Chambers County Commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to adequately perform the duties of the office. The acts of the deputies and/or chief clerks shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 4. Before entering upon the duties of office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the Chambers County Commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other officials' bonds are conditioned and shall be approved by and filed with the judge of probate of Chambers County. The cost of the bond required herein shall be paid out of the general funds of the county on a warrant of the Chambers County Commission, and shall be preferred claim against the county.

Section 5. The Chambers County Commission shall provide the necessary offices for the county revenue commissioner and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, necessary for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or are hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of the office, the county revenue commissioner shall receive an annual salary equal to \$10,000 more than what the salary would be for either the tax assessor or tax collector. In the event one of the persons holding the office of tax assessor or tax collector becomes the revenue commissioner,

the annual salary for the revenue commissioner shall be an amount equal to \$10,000 more than what the official had been receiving in salary as tax assessor or tax collector at the time of the enactment of this act. The salary of the county revenue commissioner shall be payable in equal installments, as are the salaries of other county employees.

Section 7. Should either the offices of tax assessor or tax collector for Chambers County be vacated for any reason whatsoever between the passage of this act and September 30, 1991, the provisions of this act shall become effective immediately with the remaining office holder acting as county revenue commissioner for the remainder of the term for which he was elected.

Section 8. The purpose of this act is to promote the public convenience in Chambers County by consolidation of the offices of tax assessor and tax collector into one county office.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and upon the approval of a majority vote of the qualified electors of Chambers County voting in a referendum held on the date of the 1988 primary election. The question to be presented at such election shall be substantially as follows: "Do you favor the local law for Chambers County which abolishes the offices of tax assessor and tax collector and establishes a consolidated and unified system of assessment and collection of taxes by the creation of an office of county revenue commissioner? Yes ____ No ____." If a majority of the electors vote "yes," the provisions of this act shall become effective. If a majority vote "no," this act shall be null and void and have no force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Chambers County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:14 P.M.

Act No. 88-841

H. 124—Reps. Turnham and Higginbotham

AN ACT

To authorize an additional county salary supplement for the District Attorney of the Thirty-Seventh Judicial Circuit; to provide that the provisions of this act shall be effective October 1, 1988.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of the county comprising the Thirty-Seventh Judicial Circuit is hereby authorized, and empowered to pay, in the discretion of the county governing body, an annual county salary supplement of an amount equal to \$1,000.00 less than the annual county salary supplement paid to the circuit judges of the Thirty-Seventh Judicial Circuit. The supplement hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury, shall be in addition to the salary paid such District Attorney by the State of Alabama, and shall be in addition to any other county expense allowance or supplement heretofore provided by law which is payable from the county.

Section 2. The provision of this act shall take effect on October 1, 1988.

Approved September 22, 1988

Time: 12:13 P.M.

Act No. 88-842

H. 106—Rep. Layson

AN ACT

To amend Sections 9-13-82 and 9-13-84, Code of Alabama 1975, as amended, which provide for the severance tax on forest products and the distribution of the proceeds thereof, so as to increase said tax and provide further for its distribution.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-13-82 and 9-13-84, Code of Alabama 1975, as amended, are hereby amended to read as follows:

“§9-13-82.

“(a) The measure of the tax is at the following rates:

“(1) On pine lumber, \$0.50, per 1,000 feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be \$0.75 per 1,000 feet log scale

(Doyle rule) except that logs under eight inches in diameter inside the bark at the small end shall be scaled as containing one foot log scale for each foot of length.

“(2) On hardwood, cypress and all other species of lumber, \$0.30, per 1,000 feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be \$0.50, per 1,000 feet log scale (Doyle rule) except that logs under eight inches in diameter inside the bark at the small end shall be scaled as containing one foot log scale for each foot of length.

“(3) On pulpwood, chemical wood and bolts, \$0.25, per standard cord of 128 cubic feet.

“(4) On crossties, \$0.015 per piece and on switch ties, \$0.025 per piece.

“(5) On mine ties and coal mine props, \$0.125 per 100 pieces.

“(6) On pine ore mine props, \$0.75 per 1,000 feet log scale (Doyle rule) and on hardwood ore mine props, \$0.50 per 1,000 feet log scale (Doyle rule) except that props under eight inches in diameter at the small end shall be scaled as containing one foot log scale for each foot of length. In lieu of the foregoing schedule of taxes on ore mine props, the taxpayer may elect to pay the taxes due thereon at the rate of \$3.125 per 1,000 lineal feet regardless of species.

“(7) On piling and poles, \$1.875 per 1,000 board feet (Doyle scale).

“(8) On turpentine (crude gum), \$0.15 per barrel of 400 pounds.

“(9) On stumpwood (tarwood), \$0.125 per ton (2,000 pounds).

“(10) On pulpwood chips, \$0.25 per cord of a standard cord of 5,000 pounds.

“(b) There is also levied a privilege tax against the processor of the forest products or the manufacturer using the forest products in an amount equal to 50 percent of the tax on the severer as set out above. Said privilege tax shall be collected in the same manner as the severance tax on the severer is collected. This tax is levied not only upon processors or manufacturers within this state but also upon out-of-state processors or manufacturers who obtain the timber within this state and ship it outside the state for completion of the manufacturing process. It is the legislative intent that this privilege tax is not to be levied in any manner upon the person owning the land from which the forest products are severed nor upon the person actually cutting the forest products but it is levied upon the processor processing the forest products or manufacturer using the forest products.

“(c) Round wood pulpwood on which the tax has been paid shall not be subject to an additional tax when converted into chips, but the additional tax levied by subsection (b) of this section shall be paid by the person, firm or corporation utilizing the chips in a manufacturing process.”

“9-13-84.

“The taxes imposed by this article, and any other taxes imposed on the severance of forest products, shall be due and payable quarterly to the state department of revenue and shall, when collected, be paid by such department into the state treasury. When so paid into the state treasury, all such taxes shall be credited by the treasurer to a special fund which is hereby created and which shall be known as the special state forestry fund of the state of Alabama, which fund shall be disbursed under the supervision of the state forester, subject to the restrictions embodied in this article, for the purpose of carrying out the statewide forestry program as provided by law and for no other or different purposes. Not less than 85 percent of the taxes collected under and by virtue of this article shall be expended for forest protection. No portion of such fund shall revert to the general fund of the state at the end of any fiscal year, and any surplus shall be allowed to accumulate from year to year and be disbursed as exigencies of the statewide forestry program may require.

“There is hereby continuously appropriated the receipts from the taxes levied in this article to the state forestry commission for the use of the state forestry commission. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and the management of the said department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to said article; provided, however, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year; provided further, however, that for the fiscal years ending September 30, 1989, and September 30, 1990, the portion of the receipts allocated to the forestry commission is hereby appropriated for use in their fire control program.”

Section 2. Any and all taxes upon the excise or privilege of severing, processing, or manufacturing of forest products shall inure to the State of Alabama and shall be exercised only in a uniform, statewide tax. No tax shall be levied by local law or by any political subdivision of the state, including counties, cities, special taxing authorities or other taxing instrumentalities, upon the excise or privilege of severing, processing or manufacturing of forest products in Alabama.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:12 P.M.

Act No. 88-843

H. 126—Rep. Holley

AN ACT

To amend sections 16-31-1 and 16-31-4 of the Code of Alabama 1975 relating to the American Legion Scholarships so as to increase the value of the scholarships and to increase the number of scholarships awarded, except for persons currently receiving the scholarships shall remain at the current rate.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-31-1 and 16-31-4 of the Code of Alabama 1975 are hereby amended to read as follows:

“§16-31-1.

“Whenever the American Legion or the American Legion Auxiliary of the state of Alabama shall donate to the state of Alabama, and actually pay in cash to the treasurer of said state, a sum of money amounting to \$1,250.00, there shall be considered as established a free scholarship of the value of \$750.00 per year in board and such fees or other charges as that amount would cover or include over and above board for the benefit of the student receiving the benefit of the same or appointed to such scholarship at any public institutions of higher learning, that such scholarship shall be and is hereby established for each sum of \$1,250.00 so donated to the state.

“§16-31-4.

“The sum of \$750.00 is hereby appropriated annually to each state institution of higher learning described in section 16-31-1 for each scholarship awarded by any such institution as provided in this chapter, which appropriation shall be paid from the Alabama special educational trust fund; provided, that in the fall of each school year no more than 150 such scholarships shall be provided under this section.”

Section 2. Any provision of this act notwithstanding, any person who is receiving funds as an American Legion scholarship recipient shall continue to receive such scholarship funds at the current rate. The \$750.00 rate shall be applicable only to those new recipients from the fall term, 1988 and thereafter.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved September 22, 1988

Time: 12:11 P.M.

Act No. 88-844

H. 155—Reps. White (G), Beers, Spratt,
Seibels, Curry, Logan, Petelos,
Newton, Perdue, Gray,
McDowell, McClain and Payne

AN ACT

To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year 1988-89, there is hereby a supplemental appropriation to The Children's Hospital of Alabama in Birmingham, Alabama, for the support and maintenance of said program from the Alabama Special Education Trust Fund, the sum of two-hundred-thousand dollars (\$200,000.00).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1988.

Approved September 22, 1988

Time: 12:10 P.M.

Act No. 88-845

H. 33—Rep. Harper

AN ACT

To make an appropriation of \$750,000 from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year ending September

30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Shakespeare Festival from the Alabama Special Educational Trust Fund the amount of seven hundred fifty thousand dollars (\$750,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:08 P.M.

Act No. 88-846

H. 211—Rep. Haynes

AN ACT

To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of three hundred ninety thousand thirty-one dollars (\$390,031), out of the funds in the Alabama Special Educational Trust Fund, to Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

Approved September 22, 1988

Time: 12:07 P.M.

Act No. 88-847

H. 210—Rep. Hogan

AN ACT

To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of five hundred one thousand four hundred sixty-eight dollars (\$501,468), out of the funds in the Alabama Special Educational Trust Fund, to Walker County Junior College located at Jasper, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

Approved September 22, 1988

Time: 12:06 P.M.

Act No. 88-848

H. 200—Rep. Bryant

AN ACT

To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of four hundred seventeen

thousand eight hundred eighty-nine dollars (\$417,889), out of the funds in the Alabama Special Educational Trust Fund, to Marion Military Institute located at Marion, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Approved September 22, 1988

Time: 12:06 P.M.

Act No. 88-849

H. 72—Rep. Johnson (RG)

AN ACT

To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of ninety-four thousand two hundred seventy-six dollars (\$94,276), out of the funds in the Alabama Special Educational Trust Fund, to Sylacauga Nurses Training School located at Sylacauga, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

Approved September 22, 1988

Time: 12:05 P.M.

Act No. 88-850

H. 21—Reps. White (L) and Turnham

AN ACT

To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one hundred ninety-five thousand fourteen dollars (\$195,014), out of the funds in the Alabama Special Educational Trust Fund, to Lyman Ward Military Academy located at Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

Approved September 22, 1988

Time: 12:04 P.M.

Act No. 88-851

H. 24—Reps. Newton and Curry

AN ACT

Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the Chief Deputy Sheriff of Jefferson County shall be a salary, payable out of the County Treasury, in the same manner and at the same time as the salaries of other employees of such county are paid. The Chief Deputy shall receive salary compensation in an amount equal either to (1) an amount 15% more than the total salary being paid to the highest paid employee of Jefferson County serving under the Sheriff, other than

the Chief Deputy or the Assistant Sheriff, Bessemer Division; or, (2) such greater amount as shall be fixed by the Sheriff with the approval of the County Commission. The Chief Deputy shall also receive the same benefits as do employees in the classified service of the county, including longevity or any other kind of pay.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:03 P.M.

Act No. 88-852

H.J.R. 168—Rep. Coburn

HOUSE JOINT RESOLUTION

NAMING THE NEW STATE OFFICE BUILDING, NOW UNDER CONSTRUCTION, IN HONOR OF THE LATE SETH GORDON PERSONS, FORMER GOVERNOR OF THE STATE OF ALABAMA.

WHEREAS, the late Seth Gordon Persons, born in Montgomery, Alabama, on February 5, 1902, was a graduate of that city's Sidney Lanier High School and an alumnus of Auburn University; and

WHEREAS, a highly successful businessman, Mr. Persons organized the Southern Radio Service of Montgomery in 1928; was president of radio station WSFA; served as a member of the Board of Directors of the National Association of Broadcasters and as Chief Radio Consultant, Office of War Information, Washington, D. C.; and was owner of Gordon Persons and Company, Inc., consulting engineers; and

WHEREAS, Gordon Persons, however, in lasting memory, remains foremost in the hearts and minds of the citizens of Alabama as a dedicated public servant who served in firm commitment to the betterment of our state as chairman of the Alabama Rural Electrification Authority (REA), 1935-1939; as Associate Member and then as President of the Alabama Public Service Commission; and in

highest leadership as the Governor of the State of Alabama, from 1951 to 1955; and

WHEREAS, as Chief Executive of the State, Governor Persons is historically credited as being a most able and responsible leader noted for his aggressive campaign against racketeering and organized crime; enactment of the Right-to-Work bill, strengthening of the state merit system; the elimination of fraudulent welfare claims; and sweeping changes in both the pardons and paroles, and in the state prison systems; and

WHEREAS, Governor Gordon Persons died in Montgomery on May 29, 1965, at the age of 63 years, leaving a legacy of achievement as a dedicated public servant for more than two decades; and

WHEREAS, in recognition of the able and lengthy leadership of Seth Gordon Persons, it is both fitting and desirable that his memory be perpetuated in lasting and appropriate tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in loving and grateful memory of the life and service of Seth Gordon Persons, 44th Governor of the State of Alabama, we hereby name and designate the new office building now under construction and located within the Capital Complex in Montgomery, Alabama, as the "Gordon Persons Building."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain such signs and markers as are necessary to appropriately identify said building as the "Gordon Persons Building."

RESOLVED FURTHER, That a copy of this resolution be presented to Governor Persons' wife, Alice McKeithen Persons, with copies also provided for his daughter, Elizabeth Persons Killingsworth and son, Seth Gordon Persons, Jr.

Approved September 22, 1988

Time: 12:28 P.M.

Act No. 88-853

S. 149—Senators Rice, Bedford, Mitchem, Campbell, Covington, Preuitt, Barron, Ellis, Cabaniss, Drinkard, Dixon, Bedsole, Foshee, Hale, Amari, deGraffenried, Bailey,

Hilliard, Bennett, Horn, Manley
and Parsons

AN ACT

To provide for a voluntary check-off designation on state income tax returns for the 1989 tax year and each year thereafter for the Alabama Veterans' Home Program; to provide the form for such designation; to provide for the crediting to the Department of Veterans' Affairs of the total amount designated for nursing home and health care services for aged and disabled veterans in Alabama; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. State Department of Veterans' Affairs—Legislative declarations and intent. The legislature hereby declares that Alabama's ailing and aged veterans of the armed services have need of special nursing and related health care services and that it is in the public interest to preserve, protect, perpetuate, and enhance the lives of such veterans through the provision of appropriate supportive assistance through nursing and related health care. The legislature specifically declares that such veterans are under the jurisdiction of the State Department of Veterans' Affairs, and that it is in the best interest of the citizens of Alabama to provide an additional means by which the management of such environments and supportive assistance may be financed through a voluntary check-off designation on state income tax return forms. The intent of the legislature is that this check-off program shall be supplemental to any funding, and in no way is intended to take the place of any funding, that would otherwise be appropriated for this purpose.

Section 2. Contribution designation form.

(a) Each Alabama state individual income tax form for the 1989 tax year and each year thereafter shall contain a designation as follows:

ALABAMA VETERANS' PROGRAM

Check () if you wish to designate \$1.00, \$5.00, \$10.00, or more of your state income tax refund for this program.

If joint return, check () if spouse wishes to designate \$1.00, \$5.00, \$10.00, or more.

(b) Each individual taxpayer required to file a state income tax return pursuant to Title 40, chapter 18, desiring to contribute to the Alabama veterans' program may designate, by placing an "X" in the appropriate box on the state income tax form, that such contribution shall be credited to said program.

Section 3. Appropriation. (a) The Department of Revenue shall determine annually the total amount designated pursuant to section

2 of this act for the Alabama veterans' program and shall deposit such amount, less costs of administration not to exceed 10 percent of revenue produced, in the state treasury to the credit of the Department of Veterans' Affairs, to be used exclusively for purposes of providing nursing home and health care for aged and disabled veterans in this state.

(b) The Commissioner of the Department of Revenue and the Director of the State Department of Veterans' Affairs are hereby authorized to prescribe and implement such forms, rules and regulations as shall be necessary to carry out the intent of the act.

Section 4. Effective Date. This act shall become effective for income tax years beginning January 1, 1989 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 2:15 P.M.

Act No. 88-854

S. 107—Senator Manley

AN ACT

To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, relating to fees and advertising, so as to further provide therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, are hereby further amended to read as follows:

“§34-9-19.

“(a) For the purpose of this section, the following terms shall have the respective meanings:

“(1) DENTIST. Any person licensed to practice dentistry in this state pursuant to the provisions of this chapter, any association or partnership formed for the purpose of practicing dentistry and any professional corporation or professional unincorporated association formed pursuant to Title 10, Chapter 4 or 10, for the purpose of practicing dentistry.

“(2) ROUTINE DENTAL SERVICE. A dental service may be considered routine for a dentist if it has the following characteristics:

“a. It is performed frequently in the dentist's practice.

“b. It is usually provided at a set fee to substantially all patients receiving the service.

“c. It is provided with little or no variance in technique or materials.

“d. It includes all professionally recognized components within generally accepted standards.

“(3) ADVERTISEMENT. An advertisement is information communicated in a manner designed to attract public attention to the practice of a dentist as heretofore defined.

“(4) FALSE, FRAUDULENT, MISLEADING OR DECEPTIVE. A false, fraudulent, misleading or deceptive statement or claim is one which:

“a. Contains a misrepresentation of fact;

“b. Is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

“c. Or is intended or is likely to create false or unjustified expectations of favorable results;

“d. Implies unusual or superior dental ability;

“e. Contains other representations or implications that in reasonable probability will cause an ordinary and prudent person to misunderstand or be deceived.

“(b) A dentist may provide information regarding himself, his practice, and fixed fees associated with routine dental services in a dignified manner only in newspapers, magazines, yellow page directories, consumer directories, or comparable publications, or billboards or in written communication by mail or in broadcast advertising over federal communications commission approved commercial radio or television. Contact by telephone or in person delivery of written materials other than through the postal service or similar delivery service is prohibited, except as provided in subdivision (6) hereof. In so advertising, a dentist shall not make any false, fraudulent, misleading or deceptive statements or claims. The dentist shall have ultimate responsibility for all advertisements which are approved by him, his agents or associates and the dentist shall be responsible for the following:

“(1) Broadcast advertisements shall be recorded, approved by the dentist and a recording of the actual transmission shall be retained by the dentist for one year following the final appearance or use of the advertisement and the dentist is responsible for making copies of same available to the board of dental examiners within 10 days following a request by the board.

“(2) Written or printed advertisements shall be approved by the dentist and a copy of the publication in which the advertisement is displayed shall be retained by the dentist for one year following the final appearance or use of the advertisement, and the dentist is responsible for making copies of same available to the board of dental examiners within 10 days following a request by the board.

“(3) Other forms of advertisement shall be approved by the dentist and the contents and specifications (where applicable) shall be retained by the dentist for one year following the final appearance or use of the advertisement and the dentist is responsible for making copies of same available to the board of dental examiners within 10 days following a request by the board.

“(4) Advertising shall include the name of the dentist(s) and the names of all associates.

“(5) Advertising may include the following information:

“a. The dentist’s title or degree or designation of any special area of dental practice approved by the American Dental Association in which the dentist has met the existing educational requirements and standards set forth by that association.

“b. Office and telephone answering hours, routine dental service. Where complications are likely to arise or where other more expensive services may be required or advised or where special classes of patients such as children are involved, the advertising shall indicate the maximum fee which may be charged.

“(6) A dentist may use or participate in the use of professional cards, appointment slips or cards, office signs, signs designating location, letterhead, or similar professional notices, only if they are neither false, fraudulent, misleading or deceptive.

“(c) The following requirements shall be met by a dentist when advertising a routine dental service:

“(1) No range of fee may be advertised for routine dental services.

“(2) Consultation, treatment planning, or treatment for any routine dental service advertised for a specific fee must be made available for a minimum of 60 days following the last day of publication or broadcast of that fee or for any shorter period of time if clearly specified in the advertisement.

“(3) When a routine dental service is advertised as ‘free’, ‘no charge’, ‘without charge’, or the like, such service must be made available at no cost for a minimum of 60 days following the date of the last publication or broadcast of such free service or for any shorter period of time if clearly specified in the advertisement.

“(4) When a patient accepts the treatment plan for a routine dental service which was advertised by the dentist, any subsequent dental service which is reasonably and foreseeably related to the advertised routine service must be provided without additional charge, unless the advertisement for the routine dental service includes the following statement:

“Additional charges may be incurred for related services which may be required in individual cases.

“(5) No advertisement concerning a dentist’s routine dental services shall be published or broadcast unless it contains in legible and/or audible language the following: ‘No representation is made about the quality of the dental services to be performed or the expertise of the dentist performing such services.’

“(6) Advertisements may not include the following:

“a. Drawings, multi-colored prints, illustrations, animations, portrayals, dramatizations, slogans, music, lyrics, or pictures which are false, fraudulent, misleading or deceptive.

“b. Celebrities, celebrity or personality endorsements.

“c. Demonstrations of skills or methods of practicing dentistry.

“(7) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services is prohibited.

“(8) Testimonials and endorsements, including but not limited to, character references, statements of benefits from dental services received, and expressions of the appreciation for dental services shall not be used in any announcement, publicity, or advertisement.

“(9) Promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the practitioner or of a third party is prohibited.

“(10) Revealing a patient’s personally identifiable facts, data, or information obtained in a professional capacity is prohibited.

“(d) The dentist is prohibited from including the following when advertising:

“(1) Statements claiming superiority in the name of a particular method of treatment shall be considered misleading and are prohibited. Such prohibition shall include but not be limited to:

“a. Statements that a certain dentist is a specialist or specializes in any branch of dentistry unless that speciality is approved by the American Dental Association and the dentist has met the existing

educational requirements and standards set forth by the American Dental Association for that approved speciality. It is further provided that dentists who choose to announce specialization or the term 'practice limited to' shall:

"1. Limit their practice exclusively to the announced special area(s) of dental practice, provided at the time of the announcement such dentists have met in each approved specialty for which they announce the existing educational requirements and standards set forth by the American Dental Association.

"2. Not use their eligibility to announce as specialists to make the public believe that specialty services rendered in the dental office are being rendered by qualified specialists when such is not the case.

"3. Avoid any inference that general practitioners who are associated with specialists are qualified to announce themselves as specialists.

"4. Include an acknowledgement in all advertisements that refer to specialty services indicating whenever said services are being performed by a general dentist.

"b. Statements such as 'quality dentistry', 'quality work', 'staff of skilled dentists', 'skilled employees', or references to uncertified or unlicensed employees.

"c. Statements that a certain dentist uses or may use a special material, drug formula, medicine or appliance, that is not available or used by other dentists generally.

"(2) Statements of superior facilities at a certain office are prohibited; for example, 'scientifically equipped', 'latest modern equipment', 'modern offices', 'modern methods', 'modern devices', or any similar expressions.

"(3) The advertising of performance of any dental operation without causing pain is prohibited.

"(4) False statements including the number of years in practice or in any one location or reference thereto are prohibited.

"(5) The omission from signs, or advertising of the names of any associates or employed licensed dentist is prohibited.

"(6) Statements of any nature that indicate that a certain dentist does all the work himself, when, as a matter of fact, all or part of the work or service is performed by another, are prohibited.

"(7) Statements which indicate the use of any anesthetic, drug, formula, material, method or system which is falsely advertised or misnamed are prohibited.

“(8) Statements that a dentist or a dental group is affiliated with a non-profit or charitable organization are prohibited.

“(e) No dentist shall advertise or solicit patients in a manner that is false, fraudulent, misleading or deceptive in any material respect.

“(f) No dentist shall publish or circulate, directly or indirectly, any fraudulent, false, misleading or deceptive statements as to the skill or methods of practice of himself or any other person.

“(g) In the case of advertising no dentists shall cause their name or picture to appear in connection or association with any publication, statement, article or presentation connected with or concerning any aspect of dentistry unless the publication, statement, article or presentation is actually authored, written or prepared by that dentist or unless the publication statement, article or presentation conspicuously names if other than the dentist, the person or entity who actually authored, wrote or prepared the same, in whole or in part.

“(h) Violation of any provision of this section shall subject the dentist to the penalties outlined in section 34-9-18, and no order imposing those penalties shall be made or entered except after notice and hearing by the board as provided in this chapter, and such order shall be subject to judicial review as provided by this chapter.”

“§34-9-60.

“Any person licensed to practice dentistry in the state of Alabama shall be authorized to use anesthesia in accordance with the provisions of this section.

“(1) All dentists are authorized to use local anesthesia.

“(2) Twelve months after May 29, 1985, no dentist shall use general anesthesia on an outpatient basis for dental patients, unless such dentist possesses a permit of authorization issued by the board of dental examiners.

“a. In order to receive such permit, the dentist must apply on a prescribed application form to the board of dental examiners, submit an application fee to be determined by the board of dental examiners not to exceed \$750.00 and produce evidence showing that he or she:

“1. Has completed a minimum of one year of advanced training in anesthesiology and related academic subjects (or its equivalent) beyond the undergraduate dental school level in a training program as described in part II of the guidelines for teaching the comprehensive control of pain and anxiety in dentistry; or

“2. Is a diplomat of the American board of oral and maxillofacial surgery, or is eligible for examination by the American board of oral

or maxillofacial surgery, or is a member of the American association of oral and maxillofacial surgeons; or

"3. Employs or works in conjunction with a qualified medical doctor who is a member of the anesthesiology staff in an accredited hospital, provided that such anesthesiologist must remain on the premises of the dental facility until any patient given a general anesthetic regains consciousness and is discharged; and

"4. Has a properly equipped facility for the administration of general anesthesia staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto. Adequacy of the facility and competence of the anesthesia team shall be determined by the board of dental examiners as outlined below.

"b. Prior to the issuance of such permit, the board of dental examiners, at its discretion, may require an on-site inspection of the facility, equipment and personnel to determine if, in fact, the aforementioned requirements have been met. This evaluation shall be carried out in a manner prescribed by the board. The evaluation shall be conducted by a team of three examiners appointed by the board of dental examiners. These examiners shall be dentists who are authorized to administer general anesthesia.

"If the results of the initial evaluation are deemed unsatisfactory, upon written request of the applicant, a second evaluation shall be conducted by a different team of examiners.

"(3) Each dentist who is licensed to practice dentistry in the state on May 29, 1985, who desires to continue to use general anesthesia shall make application on the prescribed form to the board of dental examiners within 12 months of May 29, 1985. If he meets the requirements of this section, he shall be issued such a permit. If said applicant does not meet the requirements of paragraph a. of subdivision (2) of this section, he may be entitled to a 'General Anesthesia Permit' provided said applicant passes to the satisfaction of the board an on-site inspection as provided for in paragraph b. of subdivision (2) of this section.

"(4) Each dentist who has not been using general anesthesia prior to May 29, 1985, may be granted by the board a temporary provisional permit based on the applicant's producing evidence that he or she has complied with paragraph a. of subdivision (2) of this section above pending complete processing of the application and thorough investigation of an on-site evaluation as described in paragraph b. of subdivision (2) of this section."

“§34-9-61.

“(a) Any dentist holding a permit of authorization issued by the board of dental examiners shall be subject to review and such permit must be renewed annually.

(b) The board shall, with fee to be determined by the board not to exceed \$200.00, renew the general anesthesia permit annually unless the holder is informed in writing that a reevaluation of his credentials and facility is to be required. In determining whether such reevaluation is necessary, the board shall consider such factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences. Such reevaluation shall be carried out in the manner described in paragraph b. of subdivision (2) of section 34-9-60.

“§34-9-63.

“The issuance of a permit for general anesthesia shall include the privileges of administering intravenous sedation in accordance with the provisions of this section.

“(1) Twelve months after May 29, 1985, no dentist shall use intravenous sedation on an outpatient basis for dental patients unless such dentist possesses a permit of authorization issued by the board of dental examiners as hereinafter provided. The dentist applying for or holding such permit shall be subject to on-site inspections as set forth in paragraph b. of subdivision (2) of section 34-9-60.

“a. In order to receive such permit, the dentist must apply on a prescribed application form to the board of dental examiners and submit a fee to be determined by the board of dental examiners not to exceed \$200.00 and produce evidence showing that he or she:

“1. Has received formal training in the use of intravenous sedation and is competent to handle all emergencies relating to intravenous sedation and is currently certified in cardiopulmonary resuscitation. The certification of the formal training shall specify the total number of hours as well as the number of didactic hours and the number of patient contact hours. The number of didactic hours and the number of patient contact hours shall be determined by the board. This training program must have been approved as acceptable for training in intravenous sedation by the board of dental examiners; and

“2. Has a properly equipped facility for the administration of intravenous sedation, staffed with a supervised team of auxiliary personnel, capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto.

“b. Adequacy of the facility and the competency of the sedation team shall be determined by the board of dental examiners.

"c. Prior to the issuance of such permit, the board of dental examiners at its discretion, may require an on-site inspection of the facility, equipment and personnel to determine if, in fact, the aforementioned requirements have been met. This evaluation shall be carried out in the same manner as provided in subdivision (2) of this section.

"(2) Each dentist who is licensed to practice dentistry in the state on May 29, 1985, who desires to continue to use intravenous sedation shall make application on the prescribed form to the board of dental examiners within 12 months of May 29, 1985. If he meets the requirements of this section, he shall be issued such a permit. If said applicant does not meet the requirements of paragraph a. of subdivision (1) of this section, he may be entitled to an 'Intravenous Sedation Permit' provided said applicant passes to the satisfaction of the board an on-site inspection. Said inspection shall ascertain that the dentist has a properly equipped facility for the administration of intravenous sedation, staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems and emergencies incident thereto.

"The board, in conducting the on-site inspection and evaluations required in this section, shall appoint a team of three examiners who shall be dentists certified to administer intravenous sedation in accordance with this article.

"(3) A dentist utilizing intravenous sedation and his auxiliary personnel shall be currently certified in cardiopulmonary resuscitation.

"(4) Each dentist who has not been using intravenous sedation prior to May 29, 1985, may be granted a temporary provisional permit by the board based on the applicant's producing evidence that he or she has complied with this section pending complete processing of the application and thorough investigation by the on-site evaluation."

"§34-9-64.

"The board shall, with fee to be determined by the board not to exceed \$200.00, renew the intravenous sedation permit annually unless the holder is informed in writing that a reevaluation of his credentials and facility is to be required. In determining whether such reevaluation is necessary, the board shall consider such factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences. Such reevaluation shall be carried out in the manner described in paragraph b. of subdivision (2) of section 34-9-60."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 12:01 P.M.

Act No. 88-855

S.J.R. 58—Senator Denton

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING SENATE BILL 2.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature with respect to Senate Bill 2, which empowers county commissions and municipal governing bodies to establish methods and systems for the collection and disposal of solid wastes and to require mandatory public participation in such program, that the terms "solid wastes" and "ash" as used in Senate Bill 2 do not include fly ash waste, bottom ash waste, boiler slag waste, or flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, as provided for under Subtitle D of the Resource Conservation Recovery Act (P.L. 94-580). The term "ash" used in this bill does include ash generated from the burning of garbage.

Approved September 22, 1988

Time: 12:02 P.M.

Act No. 88-856

S. 196—Senators Dixon, Horn, Drinkard,
Barron, Bedsole and
deGraffenried

AN ACT

To amend section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-2-41, Code of Alabama 1975, is hereby amended to read as follows:

“§29-2-41. Each member of the committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the committee, which shall be paid out of the funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee’s chairman; provided, however, that members shall not receive additional compensation or per diem when the legislature is in session. Clerical help shall be furnished by the secretary of the senate and the clerk of the house. The department of examiners of public accounts shall furnish assistance and any relevant information to the committee. The committee shall have the responsibility of reviewing contracts for personal or professional services with private entities or individuals to be paid out of appropriated funds, federal or state, on a state warrant issued as recompense for those services. Each state department entering into a contract to be paid out of appropriated funds, federal or state on a state warrant which is notified by the committee is hereby required to submit to the committee any proposed contract for personal or professional services. Each contract must be accompanied by an itemization of the total cost estimate of the contract. The department may, in lieu of the proposed contract, submit to the committee a letter of intent to contract. Such letter of intent to contract shall indicate the contracting parties, the services to be performed, an itemization of the total cost estimate of the contract, and such other information as the department may deem pertinent to the committee review of the contract. The committee shall review and comment where necessary on any such contract or letter of intent to contract within a reasonable time not to exceed 45 days after the department has submitted said contract or letter of intent to contract to the committee. Any contract made by the state or any of its agencies or departments in violation of this section and without prior review by the committee of either the contract or the letter of intent to contract shall be void ab initio; provided however, that if the committee fails to review and comment upon any contract or letter of intent to contract within the aforementioned 45-day time period, such contract shall be deemed to have been reviewed in compliance with this section.

“Should the department elect to submit a letter of intent to contract in lieu of a proposed contract, as authorized in the preceding paragraph, the department shall be required to submit to the committee for its information the contract described in the letter of intent upon the execution of said contract.

"The committee shall have the power to issue subpoenas for any witnesses and to require the production of any documents or contracts it feels it needs to examine in the conduct of its duties.

"The committee shall organize itself at the first meeting and elect from among its membership a chairman and a vice-chairman. The committee shall hold regular meetings at least once each month, said regular meetings to be held during the first week of each month.

Section 2. In case of an emergency adversely affecting public health, safety, security, or the economic welfare of the state, so declared in writing to the Governor by the head of the institution or agency involved, setting forth the nature of the danger to public health, safety, security or the economic welfare of the state, contracts may be let to the extent necessary to meet the emergency without review by the committee. Any contract let pursuant to this section involving an emergency adversely affecting the economic welfare of the state shall be let for a period of not more than 60 days during which time the committee shall review a contract for a longer period of time if such services are required beyond the 60-day limit hereby imposed.

Section 3. For the purposes of this act the term personal and professional services specifically includes independent contractor agreements as well as individual employment agreements.

Section 4. The following personal and/or professional services contracts shall be excluded from the terms of this act:

1. contracts for insurance;
2. contracts let by competitive bid;
3. contracts entered into by public corporations and authorities;
4. any contract the total amount of which does not exceed one thousand five hundred dollars (\$1,500.00), said total amount to include both compensation and reimbursement of expenses.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 22, 1988

Time: 9:05 P.M.

Hand, deGraffenried, Manley,
 Mitchem, Denton, Campbell,
 Holmes, Parsons, Rice, Foshee,
 Covington, Dixon and Preuitt

AN ACT

To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases, whenever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The corporation organized pursuant to the provisions of this act as a public corporation, agency and instrumentality of the state and known as the "Alabama water system assistance authority."

(2) **AUTHORIZING RESOLUTION.** A resolution or order adopted by the board of directors of the authority authorizing the issuance of bonds by the authority pursuant to this act.

(3) **BOARD OF DIRECTORS.** The board of directors of the Alabama water system assistance authority.

(4) **BONDS.** The "water system assistance bonds," notes or obligations or other evidences of indebtedness issued by the authority under the provisions of this act.

(5) **BOND PROCEEDS.** The direct proceeds of sale of bonds or notes, and the income derived from the investment of such proceeds.

(6) **COMMUNITY WATER SYSTEM.** A public water system as defined in Section 22-23-31(12) of the Code of Alabama 1975.

(7) **DEPARTMENT.** The department of economic and community affairs or any successor.

(8) **PROJECT(S).** Research and development, site purchase and preparation, initial construction, expansion or renovation of water supply facilities.

Section 2. It is the intent of the legislature acting by and through the authority and the department to aid, assist and coordinate existing community water systems in locating, developing and sustaining adequate potable water supplies for the citizens of this state and to this end to authorize the incorporation of a state authority with power and authority to issue water system assistance bonds, as may be necessary, from time to time, to finance community water system projects. Further it is the intent of the legislature that community water systems shall not be required to participate in programs authorized by this act.

Section 3. The governor, the director of the department of economic and community affairs, the director of finance, one member of the House of Representatives appointed by the Speaker, and one member of the Senate appointed by the Lieutenant Governor may become a public corporation to be known as the Alabama water system assistance authority with the power and authority hereinafter provided, by proceeding according to the provisions of this act. Provided, however, that actions taken by such authority shall be monitored, from time to time, by a special "Water assistance legislative oversight committee" composed of three members of the House of Representatives appointed by the Speaker of the House and three senators appointed by the Lieutenant Governor. Members of the legislature serving on this oversight committee shall be entitled to their regular legislative per diem and travel expenses on such committee's meeting days. The Lieutenant Governor shall appoint a chairperson for such committee and the Speaker of the House shall appoint the vice-chairperson. Such committee shall meet, from time to time, on request of either the chairperson or the authority. The Lieutenant Governor and the Speaker of the House shall make the appointments to the authority and the Water assistance legislative oversight committee within fifteen days of the effective date of this act.

Section 4. There is hereby established a special fund within the state treasury to be known as the "water supply assistance fund." Proceeds from the sale of bonds issued by the authority shall be deposited in this special "water supply assistance fund." Money in such fund shall be expended in accordance with adopted regulations and policies of the authority and may be used to provide a loan or loans for community water system supply projects or to refinance debt of community water systems or to secure principal and interest on bonds issued by the authority. Money not currently needed for the operation of the water supply assistance fund may be invested, from time to time, by the board and all interest earned on such investments shall be credited to the water supply assistance fund.

Section 5. (a) To become a corporation, the governor, the director of the department, the director of finance, and the two

legislators appointed to the authority in Section 3 of this Act shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be the "Alabama water system assistance authority";

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or any other laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The secretary of state shall examine the application; and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

(b) The applicants named in the application and their respective successors in office shall constitute the members of the authority. The governor shall be the president of the authority, the director of the department shall be the vice-president thereof, and the director of finance shall be the secretary thereof. The members of the authority shall constitute all the members of the board of directors of the authority, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reasons of death, resignation, expiration of his term of office or for any other reasons, then his successor in office shall take his place as a member, officer or director of the authority. No member, officer or director of the authority shall draw any salary, in addition to that now authorized by law, for any service he may

render or for any duty he may perform in connection with the authority.

(c) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority, shall be signed by at least three members of the authority and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. (a) The authority shall have the following powers, among others specified by this act:

(1) To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid;

(2) To sue and be sued and to prosecute and defend, at law and in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To have and to use a corporate seal and to alter such seal at pleasure;

(4) To establish a fiscal year;

(5) To construct and operate or lease to or from any community water system;

(6) To execute agreements effectively obligating the authority to agree to pay and to pay such portion of the estimated reasonable cost of the project of each community water system as may be required to meet the water supply goals of the state;

(7) To issue bonds or other obligations provided such proceeds are deposited in a special "water supply assistance fund" within the state treasury;

(8) To enter into such agreements in connection with the sale of its bonds as the board shall determine, including arrangements for letters of credit, bond insurance or other credit enhancement devices, provided that no such arrangement shall obligate funds of the authority other than as provided in this act;

(9) To appoint and employ such attorneys, financial advisors, agents and employees as the business of the authority may require; and

(10) To promulgate and establish guidelines and procedures relating to loans or grants by the authority including but not necessarily limited to limits on the amounts of such loans or grants and eligibility requirements for such loans or grants.

(b) The authority shall use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards.

(c) The governor shall deliver an annual report of the authority to the legislature.

Section 7. For the purpose of providing funds for the authority to make loans to community water systems for a project or projects, or to refinance debt of community water systems or for the payment of obligations incurred or temporary loans made for any of said purposes, the authority is hereby authorized, from time to time, to issue and sell its bonds or other evidences of indebtedness. Such bonds may be issued in one or more series; shall be in such form and denominations and of such terms and maturities, not exceeding 35 years from the date of issue of each series; shall bear such rate or rates of interest, payable and evidenced in such manner; may contain such provisions for registration or for redemption prior to maturity; and may contain such other provisions not inconsistent herewith, all as may be provided by the authorizing resolution. As security for the payment of the principal of and interest on its bonds, the authority is authorized to pledge, transfer and assign any obligations of each community water system, payable to the authority and the security for such obligation.

Section 8. The bonds and other evidences of indebtedness of the authority may be sold at such time or times as the board of directors may deem advantageous. The bonds shall be sold by competitive sale unless because of market conditions and/or credit structures such a sale would be disadvantageous to the state. In the event such a determination is made by the board of directors, the bonds shall be sold through a negotiated sale and the managing underwriter(s) shall be selected based on criteria, which shall include but not be limited to, experience, ability, responsiveness, and fee structure. Said criteria shall be established by the board of directors and shall be included in a request for proposals for the managing underwriter(s). Bonds sold at public sale shall be awarded to the bidder whose bid reflects the lowest true interest cost to the authority for the bonds being sold, computed to their respective absolute maturities; provided, that if no bid acceptable to the authority is received, it may reject all bids and readvertise. Notice of any public sale shall be given by such publication or by such distribution of notices of sale or both, as the board of directors may determine subject to state law. The authority may pay from the proceeds of the sale of its bonds all expenses, including publication and printing charges, attorney's fees, financial advisory fees, and other expenses which the board of directors may deem necessary or advantageous in connection with the authorization, advertisement, sale, execution and issuance thereof.

Section 9. In anticipation of the issuance of bonds, the authority may borrow such sums as may be needed for any of the aforesaid purposes and to obligate itself by certificate or promissory note, bearing interest at a rate or rates to be specified by the authority, and maturing within 18 months from the date of such certificate or promissory note. Such certificates or promissory notes shall be payable solely from the proceeds of the bonds of the authority and from the funds from which such bonds are payable. In the event that authority funds are not available for a loan for a project when application is made, in order to accelerate the completion of any project, a community water system may, with the approval of the authority, obligate such community water system to provide local funds to pay that portion of the cost of the project which the authority will make available by loan, and the authority shall refund the amount expended on its behalf by such water system.

Section 10. The authority may, from time to time, issue and sell its refunding bonds for the purpose of refunding any matured or unmatured bonds of the authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. The holders of such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 11. (a) In order to provide for the funding of the loan by the authority for a project to a community water system, such water system shall establish a dedicated source of revenue to repay only the monies received from the authority and to provide for operation, maintenance and equipment replacement expenses. Such water system is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

(1) To obligate itself to pay to the authority at periodic intervals a sum sufficient to provide bond debt service with respect to the bonds of the authority issued to fund the loan for such project and to pay over such debt service to the account of the project for deposit to the water supply assistance fund;

(2) To levy, collect and pay over to the authority and to obligate itself to continue to levy, collect and pay over to the authority the proceeds of any one or more of the following:

a. Any water supply service fee or charge; and

b. Other revenue available to the community water system;

(3) To undertake and obligate itself to pay its contractual obligation to the authority solely from the proceeds from any one or more of the sources specified in subdivision (2) above, or to impose

upon, itself a general obligation pledge, if appropriate, to the authority additionally secured by a pledge of any one or more of such sources; provided, however, that all members of said community water system shall be notified of the proposed contract with the authority, specifically stating the obligations and pledge of revenue and other terms and conditions of said contract, and provided further that a formal meeting of the community water system be held and a vote be taken prior to the final agreement with the authority being made;

(4) To obligate itself to continue to levy and collect such revenues, fees and charges as shall equal not less than 110 percent nor more than 125 percent, as determined by the authority of the maximum principal and interest maturing and coming due in any one year on the bonds issued by the authority to fund a loan for the project; and

(5) To enter into such agreements, to perform such acts and to delegate such functions and duties as its governing body shall determine to be necessary or desirable to enable the authority to fund a loan to the community water system to aid it in the construction or acquisition of a project.

(b) In the event of default, the authority may utilize all available remedies under state law.

(c) All loans made by the authority shall provide that repayment of such loans shall be made in accordance with guidelines for such repayment made by the authority.

(d) The recipients of loans shall maintain project accounts in accordance with generally accepted government accounting standards.

Section 12. The state treasurer may invest any idle or surplus moneys of the state in bonds of the authority. The governing body of any county or municipality is authorized in its discretion to invest any idle or surplus money held in its treasury in bonds of the authority. Such bonds shall be legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 13. All bonds or other indebtedness of the authority and the coupons applicable thereto and the income therefrom and all projects or parts thereof and all assets of the authority shall be forever exempt from any and all taxation in the state.

Section 14. All securities issued by the authority shall be exempt from the laws of the state governing usury or prescribing or

limiting interest rates, including, but without limitation, the provisions of chapter 8 of Title 8, Code of Alabama 1975.

Section 15. This act is intended to aid the state through the furtherance of its purposes by providing an appropriate and independent instrumentality of the state with full and adequate powers to fulfill its functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of the authority, the purchase of any loans or the making of any loan to a community water system, the issuance of any bonds, or the exercise of any other of its powers by the authority.

Section 16. All bonds issued by the authority, while registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the authority, while the applicable bonds are registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 17. All bonds, notes and certificates issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the revenues, income, fees or charges which may pursuant to the provisions of this act, be pledged to the payment thereof, and no such bonds, notes or certificates shall create an obligation or debt of the state.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 2:00 P.M.

Act No. 88-858

S. 126—Senators Bennett, Bedford, Dial,
Dixon, Hale, Horn, Langford
and Campbell

AN ACT

To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety

bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-27-5, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§22-27-5.

“(a) The county commission or municipality undertaking the responsibility for providing services to the public under this article may establish fees, charges and rates and may collect and disburse funds within cooperating areas or districts, inside or outside the corporate limits of municipalities or inside or outside of county boundaries, for the specific purpose of administering this article and providing and operating a solid waste program. Also, said county commission or public authority may enter into mutual agreements or contracts with the government bodies of other counties, municipalities, corporations or individuals, where deemed to be mutually economical and feasible, to jointly or individually collect, haul and/or dispose of solid wastes generated within the cooperating area. All contracts or mutual agreements under this article shall be subject to review by the health officer, and all such contracts and agreements shall be subject to cancellation upon 30 days’ notice from said health officer with the concurrence of the department, any time said contracts or agreements fail to be in the best interest of the health, safety and welfare of the citizens residing in the affected area.

“(b) Individuals, corporations, partnerships or other agencies engaging in the collection and disposal of solid wastes are subject to this article. Governing bodies may assign territories, approve or disapprove disposal sites, with the concurrence of the health department, and shall establish and collect annual license fees from such firms and set rate schedules if a service fee is charged. In addition to any other approvals which are necessary for any contract between private or corporate agencies and governmental entities for the disposal of solid wastes, approval of the department shall be obtained.

“(c) Under subsection (b) of this section, no license shall be granted or fee collected without a permit issued by the state or county health department, renewable annually at the time licenses are due. Such permit shall be based upon performance and may be revoked for cause, including failure to perform under the provisions of this article and regulations adopted under authority of this article. No license shall be granted without the posting of a performance bond satisfactory to the governing body. All solid wastes disposal sites except those which have certificates of exception shall have a permit from the department.

“(d) No Permit for transportation of garbage by out-of-state transporters, for disposal of such garbage in a sanitary landfill in this state, shall be issued unless financial assurance is posted by such transporter with the Health Department.

The financial assurance shall be in an amount not less than \$250,000 and must guarantee that such garbage does not contain any regulated hazardous waste, infectious waste, or explosive materials or debris. The financial assurance shall be provided in accordance with acceptable financial assurance instruments which include but are not limited to an escrow account, performance bond, or letter of credit. The Health Department shall promulgate regulations specifying the terms and conditions of financial assurance instruments, as appropriate.

“(e) Any county commission or municipality establishing fees, charges and rates pursuant to subsection (a) of this section shall have the power and authority to adopt resolutions or ordinances providing that if the fees, charges or rates for the services furnished by the county commission or municipality, or licensee of either, under the provisions of said chapter, shall not be paid within 30 days after the same shall become due and payable, such county commission or municipality may, at the expiration of such 30-day period, suspend such services or may proceed to recover the amount of any such delinquency with interest in a civil action, or both.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 2:02 P.M.

Act No. 88-859

S. 132—Senators Bennett and Dial

AN ACT

To establish the “Alabama Hazardous Substance Cleanup Fund”; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper treatment, storage or disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) and to provide state matching funds for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide for penalties and recovery of cleanup costs; to provide that the fund shall be administered by the

Alabama Department of Environmental Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Legislature finds that hazardous substances have been treated, stored or disposed of at sites which are inactive or abandoned and that such sites have the potential for deleterious impacts on groundwater, human health or the environment. The Legislature, therefore, declares that it is in the public interest to assure that such sites are identified and that action is taken to provide for the cleanup and rehabilitation of such sites within the state of Alabama. The Legislature intends that funds provided under this Act be used primarily to clean up and rehabilitate sites not qualified for or unlikely to receive funding under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) but that the funds provided under this Act may also be used to provide state matching funds for cleanups and for operation and maintenance of sites which have completed cleanup under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

SECTION 2. When used in this Act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) **CLEANUP.** All activities including administrative activities related to the identification, investigation and evaluation of hazardous substance sites and the removal of hazardous substances or other closure or containment of hazardous substances and any subsequent monitoring of such sites.

(2) **COMMISSION.** The Alabama Environmental Management Commission as created by the Section 22-22A-6, Code of Alabama 1975.

(3) **DEPARTMENT.** The Alabama Department of Environmental Management as created by Section 22-22A-4, Code of Alabama 1975.

(4) **DIRECTOR.** The director of the Alabama Department of Environmental Management.

(5) **FUND.** The Alabama Hazardous Substance Cleanup Fund.

(6) **HAZARDOUS SUBSTANCE.** Any substance defined as a hazardous substance pursuant to 42 U.S.C. § 9601(14) or listed as a hazardous waste pursuant to the Hazardous Wastes Management Act, Code of Alabama 1975 Sections 22-30-1 et seq. and the regulations promulgated thereunder.

(7) **HAZARDOUS SUBSTANCE SITE.** Any unpermitted site or location where hazardous substance has been released or where there is the potential for a release due to the treatment, storage or disposal of a hazardous substance.

(8) **INACTIVE OR ABANDONED HAZARDOUS SUBSTANCE SITE.** Any hazardous substance site, except one which has been permitted by the Department of the Environmental Protection Agency as a commercial hazardous waste or substance disposal facility and closed through appropriate closure procedures, which does not receive any hazardous substance for treatment, storage or disposal after the effective date of this Act, or which ceases receiving any hazardous substance for treatment, storage or disposal after the effective date of this Act.

(9) **LIABLE PARTY.** Any person who:

a. Is an operator or former operator of an inactive or abandoned hazardous substance site;

b. Generated a waste treated, stored or disposed of at a hazardous substance site which has become inactive or abandoned;

c. Transported waste for treatment, storage or disposal to a hazardous substance site which has become inactive or abandoned, but only if the site was selected by the transporter; or

d. Directed the hazardous substance for treatment, storage or disposal to the inactive or abandoned hazardous substance site.

(10) **OPERATOR.** A person who has treated, stored or disposed of or permitted a third person to treat, store or dispose of a hazardous substance at a site which has become an inactive or abandoned hazardous substance site, or a person who obtained ownership of a site either knowing or with reason to know it was an abandoned or inactive hazardous substance site. Such term does not include a person, who, without participating in the management of a site which has become an inactive or abandoned hazardous substance site, holds indicia of ownership primarily to protect a security interest in the site.

(11) **RELEASE.** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of a hazardous substance.

(12) All other terms used in this Act shall be defined as such terms are defined in the Hazardous Wastes Management Act, Code of Alabama 1975, Section 22-30-1 et seq. as amended, and the regulations promulgated thereunder.

SECTION 3. (a) There is hereby established within the state treasury a special revenue fund to be known as the Alabama Hazardous Substance Cleanup fund. All federal grants, state appropriations, penalties, reimbursements and any other funds collected pursuant to this Act are hereby appropriated for the purposes provided for in this Act and shall be deposited into said fund. Any funds remaining in the Alabama Hazardous Substance Cleanup Fund at the end of any fiscal year shall not revert to the general fund but shall remain in said Fund and is hereby reappropriated until expended in accordance with the provisions of this Act.

(b) There is hereby appropriated from the State General Fund for the fiscal year ending September 30, 1989, the amount of \$100,000.00 for the start-up and administrative costs necessary to implement this Act and for inactive or abandoned hazardous substance site cleanup costs.

(c) In addition to the appropriations heretofore made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1989, the sum of \$500,000 to be used solely for the purpose of cleanup operations of abandoned or inactive hazardous substance sites, reimbursement to the fund for monies expended by the department for cleanup of such sites, and as matching funds to allow cleanups and operation and maintenance of sites which have completed cleanup under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601 et seq.), such funds to be released to the fund on a project-by-project basis, conditioned upon the availability of funds in the State General Fund, the recommendations of the Finance Director, and the approval by the Governor.

SECTION 4. (a) In relation or addition to the powers set forth in this section and any other provisions of laws of this state, the department is empowered, with regard to the regulation, control, or removal of hazardous substances as follows:

(1) To respond to, direct, or initiate cleanup of inactive or abandoned hazardous substance sites;

(2) To conduct or contract for professional technical data gathering and analysis and damage assessment;

(3) To conduct or contract for the removal or containment of hazardous substances where there has been or is a potential for release, regardless of quantity or concentration; and

(4) Acting through the provisions of Code of Alabama 1975, Sections 22-22A-5, and 22-22A-8 issue such rules and regulations as are necessary to carry out the provisions of this Act.

(b) The fund shall be available to the department for expenditures for the purpose of providing for the identification, investigation, and for the containment and cleanup, including monitoring and maintenance of inactive or abandoned hazardous substance sites within the state as provided in this Act, and as follows:

(1) monies from the fund may be used only for cleanup of inactive or abandoned hazardous substance sites which at the time cleanup activities commence do not appear on the most current national priorities list (NPL) of the United States Environmental Protection Agency as developed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ('CERCLA') 42 U.S.C. §§9601 et seq. unless,

(2) the monies are intended to provide the State's share of matching funds for cleanup of a CERCLA site on the NPL.

(c) The department may enter into such contracts and use the fund for those purposes directly associated with identification, investigation, containment and cleanup, including monitoring and maintenance, prescribed above including:

(1) hiring of consultants and personnel;

(2) purchasing, leasing or renting of necessary equipment; and/
or

(3) paying other necessary expenses.

(d) The fund shall not be used for hiring personnel for continuing programs of the department not directly related to the purpose of this Act or for on-going research activities not directly related to the purpose of this Act.

SECTION 5. (a) The director shall identify inactive or abandoned hazardous substance sites, as defined herein, within the State of Alabama. Once identified the director shall refer to the most current national priorities list ("NPL") of the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, ("CERCLA") 42 U.S.C. §§9601 et seq. Any Alabama site identified by the director that also appears on the NPL shall not be subject to this act, except for the matching funds provision of Section 3(c) of this act.

(b) For all sites so identified by the director, not appearing on the NPL, the director shall attempt to identify all potentially liable parties. If the potentially liable parties can be identified within a reasonable time, the director may:

(1) Order the potentially liable party or parties to develop a Hazardous Substance Cleanup Plan detailing how the liable party or

parties will investigate, identify, contain and cleanup the site, including post-cleanup monitoring and maintenance of the site; and

(2) Order the potentially liable parties to implement the plan, subject to approval by the department, within a reasonable time as specified in the order; and

(3) Provide a 30-day public comment period on the plan in the county where the site is located, provided that such public comment period may be waived if the director finds that such delay would significantly increase the threat to human health or the environment. Notice of the public comment period shall be given by a one-time publication in a newspaper of general circulation in the county where the site is located and to the governing body of the county or municipality where the inactive or abandoned hazardous substance site is located.

(c) No order may be issued under this section until a potentially liable party is provided notice and an opportunity for an informal hearing before the department. Provided, however, that whenever the director, after investigation, finds that the threat to human health or the environment is imminent, the director may issue the order without a hearing. In the event the director makes such a determination, the facts supporting this conclusion shall be set forth in the Order in detail.

(d) Whenever any liable party fails to comply with an order to develop a Hazardous Substance Cleanup Plan for a site, the department may develop such a plan. The reasonable expenses of developing the plan by the department shall be paid from the fund if available and reimbursed by the liable party. This reimbursement of expenses is in addition to any penalties assessed under Section 5(i) of this Act.

(e) Whenever the liable party fails to comply with an order to implement a Hazardous Substance Cleanup Plan for a site, the department may implement such a plan. The provisions of Section 5(a)(3) of this Act regarding public comment shall apply to the department's plan. The reasonable expenses of implementing the plan by the department shall be paid from the fund if available and reimbursed by the liable party. This reimbursement of expenses is in addition to any penalties assessed for failure to comply with the order.

(f) In the event that no liable party can be identified, or if the liable party cannot be identified within a reasonable time, or if the director determines there is an imminent threat to human health or the environment, and sufficient monies are available in the fund, the department may develop and implement a Hazardous Substance Cleanup Plan. The provisions of Section 5(a)(3) of this Act regarding

public comment shall apply to the department's plan. The reasonable expenses of developing and implementing such plan shall be paid from the fund if available and reimbursed by the liable party when and if identified. This reimbursement of expenses is in addition to any penalties assessed under this Act.

(g) Orders issued under this section may be appealed as provided in Section 22-22A-7(c), Code of Alabama 1975.

(h) The department is authorized to recover expenses as set out in this section by administrative order or by civil action in the circuit court of the county where the site is located or where the liable party resides or does business.

(i) No administrative or civil penalties shall be assessed against a liable party until and unless the liable party fails to comply with provisions of an order issued by the department pursuant to this Act. In the event, the department may seek, in addition to the recovery of expenses, administrative or civil penalties as provided for in Section 22-22A-5 Code of Alabama 1975, however, nothing herein shall prevent the imposition of administrative or civil penalties for the violation of any other relevant statute or regulation.

SECTION 6. (a) In determining the scope, nature and content of a Hazardous Substance Cleanup Plan the director shall evaluate reasonable alternatives and select or approve those actions which he determines are necessary to protect human health and the environment. The goal of any pertinent action shall be cleanup and containment of the site through the elimination of the threat to the human health and the environment posed by the hazardous substance. In choosing the necessary action at each site, the director shall consider the following factors:

(1) The technological feasibility of each alternative;

(2) The cost estimate of each alternative;

(3) The quantity of hazardous substances present their toxicity and mobility and the risk of harm to the environment. This factor shall not require the director to make a detailed analytical and scientific study of the site prior to choosing or approving the selected alternative, however, the director shall make a good faith effort to generally determine this information to aid his choice of alternative actions.

(4) The capability of the selected alternative to protect human health and the environment.

SECTION 7. (a) The director shall, on or before January 1, 1989, and annually thereafter on January first of each succeeding year, transmit an updated Annual Report to the commission, the

legislature, and the governor. Each Annual Report shall include, but need not be limited to, the following information for each site:

(1) A general description of the site, including the name and address of the site, the type and quantity of the hazardous substance disposed of at the site if known, and the name of the current owners of the site and any known potentially liable parties;

(2) A summary of any significant environmental problems at and near the site; the site's proximity to public or private drinking water supplies, or other water supplies;

(3) The clear identification of the site on a map;

(4) The status of any testing, monitoring or remedial actions in progress or recommended by the director;

(5) The status of any pending legal and administrative actions and any federal, state or local government permits concerning the site;

(6) The proximity of the site to private residences, public buildings or property, school facilities, places of work or other areas where individuals may be regularly present;

(7) All costs incurred pursuant to the implementation of this Act by the department or any other party; and

(8) Estimated future costs to be incurred pursuant to the implementation of this Act by the department or any other party.

(b) The director shall also transmit a copy of the annual report to each potentially liable party identified in the annual report.

SECTION 8. (a) Liable parties shall be liable to the state for amounts expended for the investigation, identification, containment and cleanup of hazardous substance sites, including the cost of post-cleanup monitoring and maintenance of such sites.

(b) The department or the attorney general shall act to recover for the fund the reasonable and necessary amounts expended for the investigation, identification, containment, cleanup, monitoring and maintenance of inactive or abandoned hazardous substance sites to the extent the department or the attorney general can attribute these expenditures to liable parties as set out herein. Recovery of these expenditures by the department or the attorney general can be either by administrative order or by commencing a civil action in the county where the site is located or where the liable party resides or does business.

(c) The liability of liable parties is not joint and several. Liable parties shall be liable to reimburse the fund only for the costs of

investigation, identification, containment and cleanup of hazardous substance sites, including the cost of monitoring and maintenance generally attributable to that party's proportional contribution to the hazardous substance present at the site. In determining proportional contributions among liable parties the following factors shall be taken into consideration:

- (1) total volume of hazardous substance at the site;
- (2) the percentage of the total volume of hazardous substance attributable to the liable party;
- (3) good faith efforts of the liable party to ensure proper treatment, storage or disposal;
- (4) any expenditures required by this Act made by a liable party shall be credited toward its liability.
- (d) In no event shall the total liability from any liable party be an amount less than the total cost for the investigation, identification, containment and cleanup of hazardous substances attributable to that liable party except that the total recovery from the liable party shall not exceed the amount expended from the fund plus reasonable costs to the department to obtain recovery from the liable party.
- (e) In no event shall the calculation of a liable party's proportional contribution be increased or in any way reinfluenced by the failure of the director to identify other liable parties or by the failure of other liable parties to pay their proportional contribution.
- (f) There shall be no liability under this Act for a liable party who can establish by a preponderance of the evidence that the release or imminent threat of release and the environmental damages resulting therefrom were caused by an act or omission of a third party other than an employee or agent of the liable party.
- (g) If the department is unable to calculate proportional contributions among liable parties because of insufficient evidence the department shall commence a declaratory judgment civil action in circuit court in the county where the site is located or where the liable party resides or does business seeking a declaration of apportionment. The court shall take into consideration the factors previously listed.
- (h) Any expenses not attributable to a liable party shall be paid from the fund.
- (i) All expenditures recovered from liable parties shall be deposited in the fund.
- (j) A liable party may elect to satisfy its liability by applying any proceeds from liability insurance or other financial assurance mechanisms which have been provided by the liable party or parties.

SECTION 9. No action may be commenced against the director, any employee of the department, or any person under contract with the department for damages as a result of actions taken or omitted in the course of performing duties or functions under this act or in the course of rendering care, assistance, or advice at the direction of an on-scene coordinator appointed by the director, with respect to the cleanup of an abandoned or inactive hazardous substance site including any release of a hazardous substance or the threat thereof.

SECTION 10. The director or his designee shall have the right at reasonable times to enter upon any property upon which a known or suspected inactive or abandoned hazardous substance site is located and any other property which must be entered to have access to the site or to perform or cause to be performed all actions necessary to carry out the provisions of this Act. Entry shall be construed as an exercise of the police power and shall not be construed as an act or condemnation of property or of trespass.

SECTION 11. (a) It shall be a violation of the provisions of this Act for any liable party to:

(1) violate any provision of or time period set forth in any administrative order issued by the director;

(2) destroy or conceal any records relating to hazardous substances or abandoned or inactive sites, except where a liable party can demonstrate that any destruction of record was done in the ordinary course of its business;

(3) violate any settlement or consent agreement entered into pursuant to or in anticipation of an administrative order issued by the director, or pursuant to or in anticipation of any civil action initiated under the provisions of this Act.

(b) Civil penalties as provided for in this act may be assessed either by administrative order or civil action.

SECTION 12. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 27, 1988

Time: 2:03 P.M.

Act No. 88-860

S. 211—Senator deGraffenried

AN ACT

To supplement the salaries of the circuit judges of the Sixth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office of the circuit judges of the Sixth Judicial Circuit, in addition to the salaries paid to each of said judges by the state, there shall also be paid to each of said judges a supplemental salary in the sum equal to 40% of the salary paid each of said judges by the State of Alabama. Said supplemental salary shall be paid out of the general fund of the county in equal installments at the same time and in the same manner that the salary of other county employees are paid.

Section 2. Such supplemental salary shall be paid in lieu of all other supplemental salary or expense payments payable to said judges by the county as heretofore authorized by law.

Section 3. This act shall become effective as to all circuit judges of the Sixth Judicial Circuit immediately after the expiration of the term or terms of office of the judge or judges whose term or terms first expire, after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 2:04 P.M.

Act No. 88-861

S. 71—Senator Horn

AN ACT

To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year 1988-89 there is hereby appropriated from the State General Fund the sum of four hundred fifty thousand dollars (\$450,000) for the use of a sickle cell education program, as follows:

1. Jefferson County Sickle Cell/Detection Committee,
Inc. \$131,661
2. Sickle Cell Disease Association of Gulf Coast,
Alabama \$104,055
3. Sickle Cell Foundation of Greater Montgomery,
Inc. \$44,752
4. Southeast Alabama Sickle Cell Association \$96,093
5. West Alabama Sickle Cell \$35,000
6. The Children's Hospital \$38,439

Section 2. For the fiscal year 1988-89 there is hereby appropriated from the Alabama Special Educational Trust Fund the sum of two hundred forty-two thousand fifteen dollars (\$242,015) for the use of a sickle cell education program, as follows:

1. Jefferson County Sickle Cell/Detection Committee,
Inc. \$75,892
2. Sickle Cell Disease Association of Gulf Coast,
Alabama \$45,091
3. Sickle Cell Foundation of Greater Montgomery,
Inc. \$19,392
4. Southeast Alabama Sickle Cell Association \$41,640
5. Northeast Alabama Sickle Cell Education Pro-
gram \$10,000
6. Tri-County Southwest Sickle Cell \$50,000

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1988.

Approved September 27, 1988

Time: 2:05 P.M.

Act No. 88-862

S. 201—Senator deGraffenried

AN ACT

To amend Act 88-475, as amended, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects

of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; to provide that such financing shall be payable solely from the taxes appropriated and pledged in Section 16 of Act 88-475, as amended; and to amend Section 16 of Act 88-475, as amended, so as to appropriate and pledge as additional security for bonds authorized pursuant to Act 88-475, as amended, all or a portion of the proceeds of the tax levied in House Bill 319 as approved by the Alabama Legislature in the First Special Session, 1988.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 7 of Act 88-475, 1988 Regular Session, are hereby amended to read as follows:

“Section 2. The following terms hereafter used in this act shall have the following respective meanings:

“‘Authority’ means the public corporation organized pursuant to the provisions of this act.

“‘Bonds’ means the bonds issued under the provisions of this act.

“‘Commissioner’ means the Commissioner of Mental Health and Mental Retardation.

“‘Department’ means the Department of Mental Health and Mental Retardation provided for in chapter 50 of subtitle 2 of Title 22 of the Code of Alabama 1975.

“‘Directors’ means the Board of Directors of the Authority.

“‘Mental health facilities’ means any one or more of the following: hospitals and other facilities of any kind for treatment and care of the mentally ill and mentally retarded; regional or community-based mental health centers; regional or community-based facilities for treatment and care of the mentally ill or the mentally retarded; regional or community-based centers for the treatment of alcoholism or drug addiction; and improvements to existing state hospitals or other facilities for the treatment and care of the mentally ill and the mentally retarded.

“‘Community facilities’ means facilities operated by regional community mental health boards established pursuant to section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens and community substance abuse programs certified by the Alabama Department of Mental Health and Mental Retardation that provide services for the treatment and care of individuals with mental or emotional illnesses, mental retardation, alcoholism or drug addiction.

“‘Oversight Committee’ means the mental health capital outlay oversight committee created in Section 22-50-25 of the Code of Alabama 1975.

“‘Permitted Investments’ means United States Securities, certificates of deposit fully secured by United States Securities and shall include investments in such obligations of the United States of America or its agencies under a repurchase agreement.

“‘United States Securities’ means direct general obligations of the United States of America (including obligations of the state and local government series) and the obligations of any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof, the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

“‘Retirement Systems of Alabama’ means the state employees’ retirement system created pursuant to chapter 27 of Title 36, Code of Alabama 1975, and the teachers’ retirement system created pursuant to chapter 25 of Title 16, Code of Alabama 1975.

“The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or the plural. Any pronoun or pronouns used herein shall be deemed to include both the singular and the plural and to cover all genders.

“Section 7. The Authority shall have the following powers among others specified in this act:

“(1) To have succession by its corporate name until dissolved as provided in this act;

“(2) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

“(3) To have and to use a corporate seal and to alter the same at pleasure;

“(4) To make and alter all needful bylaws, rules and regulations for the transaction of the Authority’s business and the control of its property and affairs;

“(5) To provide for the acquisition, construction, installation, equipping, operation and maintenance of mental health facilities, including the equipping and improvement of existing mental health facilities;

“(6) To receive, take and hold by sale, gift, lease, devise or otherwise, real and personal property of every description, and to manage the same;

“(7) To acquire by purchase, gift, or any other lawful means, and to transfer, convey or cause to be conveyed to the state, any real, personal or mixed property;

"(8) To borrow money and issue its bonds in evidence thereof subject to the provisions of this act;

"(9) To anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged, all in the manner hereinafter provided;

"(10) As security for payment of the principal of and the interest on its bonds, to pledge the proceeds of the appropriation and pledge herein provided for and any funds or revenues from which its bonds may be made payable and to arrange for and provide such additional security for its bonds, including letters of credit, bond insurance policies, surety bonds, all as the board of directors shall determine to be necessary or desirable;

"(11) To make and enter into such contracts, leases, agreements and other actions as may be necessary or desirable to accomplish any corporate purpose and to exercise any power necessary for the accomplishment of the purposes of the Authority or incidental to the powers expressly set out herein;

"(12) To appoint and employ such attorneys, accountants, financial advisors, underwriters, trustees, depositories, registrars, fiscal agents and other advisors, agents and independent contractors as may, in the judgment of the directors, be necessary or desirable; provided that in selecting and engaging the services of such attorneys (including, without limitation, bond counsel and counsel to the Authority), accountants, financial advisors, underwriters and other advisors, agents or contractors, whether in connection with an issue or series of bonds or any ongoing matters of the Authority, the Authority shall in every case request proposals from qualified parties offering such services by publishing a request for proposals once a week for two consecutive weeks in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville and Mobile, shall fully and fairly review all of such proposals, and shall award such engagement to the proposing party in each case whose proposal is most advantageous to the state; and

"(13) To enter into any necessary financial instruments, or obligations, or both, of the Retirement Systems of Alabama in order to provide financing for projects of the Authority; provided further that principal and interest payments on any such instrument or obligation shall be payable solely from such funds as may from time to time be appropriated for the use and support of the Department of Mental Health and Mental Retardation, including the taxes appropriated and pledged in Section 16 of Act 88-475, as amended; provided further that any short-term securities developed between said Authority and the Retirement Systems of Alabama for construction purposes shall bear an interest rate equal to other commercial paper purchases of the Retirement System and further any

intermediate or long-term securities shall bear an interest rate equal to or greater than the actuarial interest rate assumption and not less than 50 basis points above comparable U.S. Treasury Bonds. 50% of all funds expended for facilities provided for by the Alabama Mental Health Finance Authority, under the provisions of Act 88-475, inclusive of any and all amendments to such Act, shall be designated for community facilities as defined within the Act.

"Section 16. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this article and to accomplish the objects of this article, there are hereby irrevocably pledged to such purpose and there are hereby appropriated so much as may be necessary for such purpose of (a) the receipts from the tax levied by sections 40-25-2 and 40-25-41 and required to be distributed to the Authority in accordance with the provisions of section 40-25-23 and, (b) to the extent that the receipts from said tax shall be insufficient for such purpose, the receipts from the tax levied by House Bill 319, First Special Session, 1988, that are required to be distributed to the Authority pursuant to the provisions of House Bill 319, First Special Session, 1988. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of (premium, if any) and the interest on the bonds herein authorized."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 2:06 P.M.

Act No. 88-863

S.J.R. 77—Senators Rice, Dial, Preuitt,
Corbett and Holmes

SENATE JOINT RESOLUTION

NAMING THE DUAL BRIDGES, SPANNING CHATTA-SOFKA CREEK ON THE U. S. 280 DADEVILLE BY-PASS, IN HONOR OF JESSIE DENSON MCGILL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Jessie Denson McGill, a valued state employee and district engineer with the Alexander City Division of the State Highway Department, we hereby name and designate each of the dual bridges, spanning

Chattasofka Creek, on the U. S. 280 Dadeville By-pass the "Jessie Denson McGill Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating each bridge as the "Jessie Denson McGill Bridge."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. McGill as a memento of this honorary designation of the Legislature in appreciation of distinguished service to the State of Alabama and to the State Highway Department.

Approved September 27, 1988

Time: 2:07 P.M.

Act No. 88-864

S. 145—Senators Rice and Bennett

AN ACT

To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one hundred thousand dollars (\$100,000), out of the funds in the Alabama Special Educational Trust Fund, to Camp ASCCA, in Jackson Gap, Alabama, to be used for the support and maintenance of said agency.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1988.

Approved September 27, 1988

Time: 4:08 P.M.

Act No. 88-865

S. 151—Senator Rice

AN ACT

To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for

and repayment of scholarship loans for teacher education programs in critical needs areas.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, are hereby amended to read as follows:

“§ 16-6A-12.

“To be eligible for a scholarship loan, an applicant shall:

“(1) Be a full-time undergraduate student at the upper division level in a teacher education program approved by the board, or be a full-time graduate student enrolled in a nontraditional fifth year teacher education program approved by the board;

“(2) Have entered into an agreement with Alabama commission on higher education to teach in the public schools of Alabama for three years following completion of the teacher education requirements;

“(3) Have a record of high performance in the area of certification; and

“(4) Not be the recipient of proceeds available to resident students through the Alabama student grant program.”

“§ 16-6A-13.

“(a) Each scholarship loan shall be in an amount not to exceed \$4,000 per annum and shall be for not more than two years.

“(b) Any scholarship loan extended under this chapter may be repaid to the Alabama commission on higher education in cash in full with interest from the date of completion of the teacher education program of studies at the prevailing rate charged recipients of non-need-based federal guaranteed student loans. Repayments in full must be completed within 10 years of the completion of the program of studies. Scholarship loan repayments and interest proceeds shall be deposited in a non-reverting emergency secondary education trust fund and may be used by the Alabama commission on higher education to provide scholarship loan assistance to applicants eligible to receive assistance through the emergency secondary education scholarship program.

“(c) The scholarship loan or any part thereof may be repaid by service in the teaching of mathematics, science, computer education and other projected critical areas, as determined by the state board of education. Payment credit for one year of a scholarship loan shall be granted for each three school years of teaching in the public schools of the state.

“(d) Any scholarship loan recipient who fails to complete a program of study or who fails to teach in a public school of the state as required by this chapter shall repay all loan amounts immediately with interest calculated from the date of his withdrawal or removal at the prevailing rate charged recipients of non-need-based federal guaranteed student loans.

“(e) Each recipient of a scholarship loan under the provisions of this chapter shall enter into an agreement with the Alabama commission on higher education whereby he agrees to teach mathematics, science, computer education or other critical subject areas as determined by the state board of education in the public schools of the state. Any breach of contract on the part of the recipient makes him immediately liable for the unpaid balance of his loan. The executive director of the Alabama commission on higher education shall require Alabama institutions of higher education to withhold the release of any records of a recipient who fails to satisfy his agreement with the Alabama commission on higher education. The attorney general or any district attorney, upon the request of the Alabama commission on higher education, shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under the provisions of this chapter. In the event of death or total and permanent disability of the recipient to teach, repayment of the loan may be excused by the Alabama commission on higher education.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 4:09 P.M.

Act No. 88-866

S. 150—Senator Rice

AN ACT

To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loan, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, are hereby amended to read as follows:

“§16-33B-1.

“As used in this chapter, unless the context clearly requires a different meaning, the following words shall have the following meanings:

“(1) **ACHE.** The Alabama commission on higher education.

“(2) **APPROVED LENDER.** Any eligible institution, or any bank, trust company, savings and loan association, credit union, pension fund, or insurance company, whose primary consumer credit function is not the making of insured student loans and which is examined and supervised by the appropriate state or federal regulatory agency or any other institution or agency defined as an eligible lender in accordance with the Federal Student Loan Law.

“(3) **ELIGIBLE INSTITUTION.** Any postsecondary educational institution which is approved by the Alabama commission on higher education for the purposes of this program. However, an institution offering exclusively correspondence, independent study, or home study courses is not an eligible institution.

“(4) **FEDERAL STUDENT LOAN LAW.** Title IV of the Federal Higher Education Act of 1965, as amended (enacted by the Congress of the United States of America as Public Law 89-239) providing for a student loan insurance or guaranty program, as said Title IV (presently codified as 20 U.S.C. §§1071, as amended, et. seq.) may at any time be amended and supplemented, together with all federal regulations at the time applicable thereto, and any other or future federal student loan insurance or loan guaranty program or loan subsidy program which may be enacted by the Congress of the United States as a supplement thereto or replacement thereof.

“(5) **FULL-TIME STUDENT.** A student who is carrying the normal full-time academic workload and is maintaining satisfactory academic progress as defined by the educational institution in which that student is enrolled.

“(6) **HALF-TIME STUDENT.** A student who is carrying at least one half of the normal full-time academic workload as determined by the educational institution in which that student is enrolled.

“(7) **RESIDENT OF ALABAMA.** For purposes of this chapter, a resident is a person who attends an eligible institution within the state of Alabama, or who lives in Alabama and attends an eligible institution outside the state, or who obtains a guaranteed student loan from an approved lender.

“(8) STUDENT LOAN. A loan or extension of credit to an eligible borrower (including without limitation a parent of an eligible borrower) including the promissory note or other written agreement or instrument evidencing such loan or extension of credit in accordance with the applicable requirements of the Federal Student Loan Law.

“§16-33B-3.

“The Alabama guaranteed student loan program created under this chapter shall be administered by the Alabama commission on higher education. The executive director of the Alabama commission on higher education shall have the primary responsibility for the administration of the program, including appropriate staffing, in accordance with the Federal Student Loan Law, and rules, regulations, policies, and procedures to be promulgated by the Alabama commission on higher education.

“§16-33B-4.

“(a) Basic powers. The Alabama commission on higher education (ACHE) is authorized to administer the Alabama Guaranteed Student Loan Program in accordance with the Federal Student Loan Law and empowered to promulgate such rules, regulations, policies, and procedures as may be reasonable and proper in order to carry out the provisions and purposes of this chapter. Without limiting the generality of the foregoing, the ACHE is authorized and empowered:

“(1) To establish regulations deemed necessary to comply with federal regulations and legislation relative to guaranteed student loans and the Federal Student Loan Law.

“(2) To establish eligibility criteria for participating postsecondary educational institutions.

“(3) To establish reasonable eligibility criteria for the initial and continuing participation of approved lenders in the student loan program.

“(4) To guarantee loans made by approved lenders upon conditions prescribed by ACHE to residents who are attending, have attended or plan to attend eligible institutions in the state or elsewhere, for the purpose of assisting them in meeting educational expenses. ACHE may guarantee 100 percent of the principal and interest on the loans. However, the rate of interest on guaranteed loans may not exceed the annual rate of simple interest prescribed for state student loan guarantee programs pursuant to the Federal Student Loan Law.

“(5) To guarantee loans only to students' parents or to students who attend, have attended or plan to attend an eligible institution.

“(6) To enter into contracts and guaranty agreements with approved lenders, state governmental agencies, corporations, and United States governmental agencies, including agreements for federal insurance of losses resulting from death, default, bankruptcy, or total and permanent disability of student borrowers.

“(7) To pay the lender an administrative allowance of one percent of the principal amount of the loan up to a maximum of \$25.00 per student granted and disbursed a guaranteed student loan in any given year in which such payments are permitted under the Federal Student Loan Law, and funds are available; a year for purposes of this section shall be October 1 through September 30.

“(8) To require that any loan guaranteed be disbursed and repaid in the manner and time that ACHE prescribes.

“(9) To remove an educational institution’s qualified status upon finding, after reasonable notice and hearing, that the eligible institution fails to meet the standards established by the commission.

“(10) To accept, use, and disburse all funds made available to the Alabama commission on higher education for the Alabama guaranteed student loan program.

“(11) To collect an insurance premium, guarantee fee or administrative fee as permitted under the Federal Student Loan Law, and to prudently manage such moneys in accordance with sound financial principles and the Federal Student Loan Law.

“(12) To take, hold, and administer, on behalf of the loan program, property, and moneys, and the interest and income derived from them, either absolutely, or in trust. The commission may accept gifts, bequests, devises and loans for the purposes of this program. All fees, receipts, and income of the Alabama Guaranteed Student Loan Program shall be paid over to a bank or banks, as ACHE may direct, and may be expended as authorized by ACHE for support, maintenance, and operation of the Alabama Guaranteed Student Loan Program in accordance with sound financial principles and provisions of the Federal Student Loan Law. No obligation of ACHE for purposes of the loan program or for losses on student loans resulting from death, default, bankruptcy, or total or permanent disability of the student borrowers shall ever (i) create an obligation or a debt of the state of Alabama or any agency or political subdivision thereof other than ACHE or a charge against the credit or taxing powers of the state or any agency or political subdivision thereof other than ACHE, or (ii) create or give rise to any personal liability of any of the commissioners or officers of ACHE, but shall be payable solely from the ACHE ‘student loan program fund.’

“(13) To enter into contracts, agreements or covenants with, to accept aid, loans and grants from, to cooperate with, to make loan

servicing arrangements and other management arrangements with, and to do any and all things not specifically prohibited by this act or other applicable laws of the state that may be necessary in order for ACHE to avail itself of the aid, assistance and cooperation of, and any services and benefits available from, any federal agency, the state or any agency, department, instrumentality or political subdivision thereof in furtherance of the purposes of this act, or the Federal Student Loan Law, including without limitation, contracts, agreements, covenants, insurance arrangements, or guarantee arrangements, with the federal government or the state, or any agency, department, instrumentality or political subdivision thereof for the guarantee or insurance or purchase or subsidy in any form of student loans or other interest or rights that ACHE may acquire.

“(14) To appoint, employ, discharge, and contract with such employees, agents, servicing agents, independent contractors, trustees and depositories, including without limitation, attorneys, accountants, financial experts, fiscal agents and other advisors, insurers, banks and trust companies, consultants and agents, as may in the judgement of ACHE be necessary or desirable, and to fix and pay their compensation and any portion or all of their expenses.

“(15) To enter into such management, servicing and other contracts with any governmental agency, nonprofit organization or private business entity as may in the judgement of ACHE be necessary or desirable in order to perform more effectively, efficiently or economically various clerical, safekeeping, loan disbursing, loan servicing, portfolio management, accounting and administrative functions for which ACHE may become responsible in the exercise of the powers conferred upon it by this act, including without limitation, contracts for the servicing and collection of any student loans held by ACHE.

“(16) To purchase, lease or rent property or equipment in order to carry out ACHE's duties and responsibilities for the Alabama Guaranteed Student Loan Program. All purchases or lease/rent contracts of supplies and equipment for the Alabama Guaranteed Student Loan Program shall be made or let on a competitive bidding basis, and may be made through the state purchasing agent, or otherwise, as the executive director of ACHE may direct. No purchases shall be made from any member of the legislature, any member of ACHE or any other person holding an office of profit with the state of Alabama.

“(17) To appoint advisory councils or committees as needed from among representatives of approved lenders, eligible institutions and other entities concerned with the Alabama Guaranteed Student Loan Program or from the public generally to advise in regard to plans, programs and regulations.

“(b) Basic duties. ACHE shall be responsible for the effective implementation and administration of the program. ACHE shall issue public information; promote the availability of the program; design all forms needed for the effective administration of the program; process all applications, certifications of eligibility, and claims; service loans; implement effective collection procedures; promulgate and implement all rules, regulations, policies and procedures; and perform other duties necessary for the effective administration of the program. Without limiting the generality of the foregoing, the basic duties of ACHE also include administration in the following areas:

“(1) Funds received under the loan program shall be deposited by ACHE in a separate account known as the ‘student loan program fund.’ The money remaining in the ‘student loan program fund’ at the end of a state fiscal year shall not revert to the special educational trust fund or any other state fund. After consultation with the director of the loan program, ACHE shall invest such funds. The funds invested, and any income earned on accounts so invested, shall become a part of the ‘student loan program fund.’

“(2) The property, income, obligations, and activities of the program are exempt from all state and local taxation.

“(3) Upon default by the borrower on a loan guaranteed under this program, and before the commencement of a suit or other enforcement proceedings upon security for the loan, the holder of the guaranteed loan obligation shall promptly notify ACHE, and ACHE shall draw upon the ‘student loan program fund’ and shall pay the holder of that loan as soon as the amount is determined. ACHE shall determine the amount of loss in accordance with its rules; however, the amount of loss may not exceed the unpaid balance of the principal amount and the unpaid accrued interest.

“Upon payment by ACHE of the guaranteed portion of the loss, ACHE shall be subrogated to the rights of the holder of the obligation upon the insured loan, and ACHE shall be entitled to an assignment of the note or other evidence of the guaranteed loan by the holder.

“This section does not preclude any forbearance for the benefit of the student borrower agreed upon by the parties to the guaranteed loan and ACHE.

“The holder of a guaranteed loan shall exercise reasonable care and diligence in the making, servicing, and collecting of loans. ACHE may disqualify an approved lender from the guarantee of further loans upon finding, after reasonable notice and hearing, that the lender has substantially failed to exercise reasonable care and diligence in the making and collecting of loans. The disqualification shall continue until ACHE is satisfied that the lender will exercise reasonable care and diligence in the future.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 4:10 P.M.

Act No. 88-867

H. 18—Rep. Turner

AN ACT

To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1½% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-2, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-2.

“There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm, or corporation, (including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the

gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the state of Alabama, an amount equal to four percent of the gross receipts of any such business.

(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to two percent of the gross proceeds of sale of said automotive vehicle

or truck trailer, semitrailer, or house trailer, provided, however, where a person subject to the tax provided for in this subdivision withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Sales of automobiles, motorcycles, trucks, truck trailers, or semitrailers that will be registered or titled outside Alabama, that are exported or removed from Alabama within 72 hours by the purchaser or his agent for first use outside Alabama are not subject to the Alabama sales tax. Sales of other vehicles such as mobile homes, motor bikes, all terrain vehicles, and boats do not qualify for the export exemption provision and are taxable unless the dealer can provide factual evidence that the vehicle was delivered outside of Alabama or to a common carrier for transportation outside Alabama. In order for the sale to be exempt from Alabama tax, the information relative to the exempt sale must be documented on forms approved by the Revenue Department.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (4) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (4) shall be deposited to the credit of the State General Fund.

(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business."

Section 2. Section 40-23-35, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-35.

“(a) Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers’ relief and the two and one-half for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers’ relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth.

(b) Of the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided there shall be paid into the treasury sums to be credited as follows:

(1) to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided, \$378,000.00;

(2) to the department of human resources, \$1,322,000.00;

(c) One-half of the amount deposited to the credit of the 67 counties as above provided, shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in

cooperation with the state board of health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state.

(d) The amounts provided in subsection (b) for the department of human resources shall be used for general welfare purposes. For purposes of this division, "general welfare purposes" means:

(1) The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons.

(e) In addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the department of human resources for a statewide, state-administered food stamp program, as authorized, by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of food stamp benefits issued statewide in excess of the amount paid by recipients (bonus of free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the department of human resources trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States department of agriculture and in conformity with sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama legislature and the United States department of agriculture. The department of human resources will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama special educational trust fund.

(f) The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and

enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution as provided in subsections (b) and (e), shall be paid into the Alabama special educational trust fund except as provided in Sections 40-23-(2)4 and 40-23-61(c).

Section 3. Section 40-23-61, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-61.

“(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue’s suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less, except as provided in subsections (b) and (c) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue’s suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less; provided, that the term “machine,” as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of two percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer or the amount of tax collected

by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (c) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (c) shall be deposited to the credit of the State General Fund.

(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this section apply."

Section 4. Section 40-23-101, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-101.

"There is hereby levied and shall be collected as herein provided a sales tax upon every person, firm or corporation purchasing other than at wholesale within this state, any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed

with the judge of probate of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers an amount equal to two percent of the purchase price.”

Section 5. Section 40-23-102, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-102.

“There is hereby levied and shall be collected as herein provided in lieu of the excise tax levied by subsection (c) of section 40-23-61, an excise or use tax upon every person, firm or corporation purchasing other than at wholesale outside the state any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state for use, storage or other consumption within this state there is levied in lieu of the excise tax levied by subsection (c) of section 40-23-61, a tax in an amount equal to two percent of the purchase price.”

Section 6. Section 40-23-108, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-108.

“The tax collector shall, after the deduction of the fee as provided in section 40-23-107, remit the revenue collected hereunder to the department of revenue for deposit as follows:

Of the total \$.02 tax on each dollar of sale, \$.015 or 75% of the total tax generated shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated shall be deposited to the credit of the State General Fund.”

Section 7. The provisions of this Act are severable. If any part of this Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. This Act shall become effective on October 1, 1988.

Approved September 27, 1988

Time: 4:11 P.M.

Act No. 88-868

H. 360—Rep. Johnson (RW)

AN ACT

To validate certain ad valorem taxes levied for school purposes; and to provide that ad valorem taxes levied for school purposes and approved by the voters of a

county or school district for a period in excess of 30 years are valid for the period approved by voters.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of any law to the contrary, all special taxes levied for any school purpose or school purposes generally, including taxes levied under the provisions of Section 269 or Amendments Nos. 3 or 111 of the Constitution of Alabama of 1901, or the provisions of Title 52, Section 235 of the Code of Alabama 1940, or Section 16-13-108 of the Code of Alabama 1975, or the predecessor or successor of either thereof, which special taxes were approved by an election at which a majority of the votes were cast in favor of said tax, are ratified, confirmed and validated for the term approved by the voters, including any term in excess of 30 years. Any such special tax heretofore levied for a period in excess of 30 years is given effect as if the term approved by the voters had been authorized on the date of such election. All warrants heretofore or hereafter issued as preferred claims against such special taxes shall be entitled to a claim against such taxes of the period approved by the voters.

Section 2. The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 4:12 P.M.

Act No. 88-869

H. 319—Rep. Johnson (RG)

AN ACT

To amend Section 28-3-203, Code of Alabama 1975, by increasing the tax levied upon the selling price of all spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board from 5% to 13%, and to pledge and appropriate a portion of the receipts collected under this Act to provide for payment of the principal on, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, to the extent necessary for such purpose; to provide for the distribution of the remaining proceeds of such revenues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 28-3-203, Code of Alabama 1975, is hereby amended as follows:

“§28-3-203.

“(a) Repealed by Acts 1986, No. 86-212, §3.

“(b) Levy and collection.—In addition to all other taxes of every kind now imposed by law and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of thirteen percent upon the selling price of all spirituous or vinous liquors sold by the board. The tax imposed by this subsection shall be collected by the board from the purchaser at the time the purchase price is paid.

The markup as currently established by the board on spirituous or vinous liquors shall not be reduced by the board for the purpose of absorbing the tax levied by this subsection, it being the intention of this provision that the said tax shall be passed on to the purchaser.

“(c) Disposition of proceeds.—

(1) 38.5% of the revenues collected under the provisions of subsection (b) of this section shall be paid into the state treasury to the credit of the general fund.

(2) 61.5% of the revenues collected under the provisions of subsection (b) of this section are hereby irrevocably pledged and hereby appropriated for the purposes of providing for payment of the principal of, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, in the amount that may be necessary for such purposes to the extent and only to the extent that the revenues appropriated for such purposes under Act 88-476 are not sufficient to pay at their respective maturities the principal of, premium, if any, and interest on, such bonds.

“(d) Any portion of the aforesaid 61.5% of the revenues pledged and appropriated in subsection (c) (2), above, not needed in any fiscal year shall be deposited in the state treasury to the credit of the State General Fund.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This act shall become effective October 1, 1988.

Approved September 27, 1988

Time: 4:13 P.M.

Act No. 88-870

H. 137—Reps. Hooper, Hamilton, Cosby, Dillard, Bowling, Moon, Burke, McMillan, White (G), Mikell, Flowers, Logan, Gaston, Petelos, Curry, Walker, Fuller, Knight, Buskey (JL), Newton, Perdue, Freeman, Bugg, Drake, Kvalheim, Starkey, Goodwin, McKee, Turnham, Crow, Hammett, Payne and Turner

AN ACT

To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State Ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; to designate the president of the State Industrial Development Authority as the State official authorized to make certain certification required under the Internal Revenue Code of 1986, as amended; and to impose a duty of fairness and impartiality in the administration of the allocation program.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Legislative Findings and Intent. The Internal Revenue Code of 1986, as amended, imposes a "State Ceiling" upon the aggregate principal amount of "private activity bonds" which may be issued in any calendar year by or on behalf of a state and its political subdivisions and instrumentalities, and establishes a method of allocating the available State Ceiling within each state. Authority is granted by the Internal Revenue Code, however, to the states to provide for a different formula for allocation of the State Ceiling. The Legislature has found and determined that the allocation method contained in the Internal Revenue Code is ill-suited for the needs of the State of Alabama and that the provisions of this Act

will result in a more equitable and efficient distribution of the State Ceiling available to the State and will therefore promote the economic and industrial development of the State. It is the intent of the Legislature by the passage of this Act to establish a method of allocation of the available State Ceiling in the State and to delegate to the State Industrial Development Authority substantial responsibility for the administration of the bond allocation plan established by this Act.

SECTION 2. Definitions. Unless the context requires otherwise, the terms defined in this section shall have the following meanings for purposes of this Act:

“Affected Bond” means any obligation or portion thereof which is required under the terms of the Code to receive an allocation of the State Ceiling as a condition for the exclusion of interest on such obligation from the gross income of the recipient thereof for federal income tax purposes.

“Allocation” means an allocation of a portion of the State Ceiling issued by the Authority pursuant to the provisions of this Act.

“Application” means an application for an allocation, submitted by an Issuer under the provisions of this Act.

“Application for Carryforward Allocation” means any application filed with the Authority seeking an elective carryforward of unused limitation for a “carryforward purpose” as defined in Section 146(f)(5) of the Code.

“Authority” means the State Industrial Development Authority, a public corporation of the State, organized and existing under Act No. 662, enacted at the 1965 Regular Session of the Legislature of Alabama.

“Carryforward Allocation” means an elective carryforward of State Ceiling for a “carryforward purpose” which may be granted by the Authority under the provisions of Section 5 of this Act and Section 146(f) of the Code.

“Code” means the Internal Revenue Code of 1986, as amended, including any successor provision to any Code section or subsection referred to herein.

“Exempt Facility Bond” means any obligation described as such in Section 142(a) of the Code, other than bonds the proceeds of which are to be used to provide airports or docks and wharves within the meaning of Sections 142(a)(1) and 142(a)(2), respectively, and includes any obligation issued to finance air and water pollution control facilities under the provisions of Section 103(b)(4)(F) of the

Internal Revenue Code of 1954, as amended, to the extent permitted under any transitional or effective date provision of the Code.

“Issuer” means the State, any agency or instrumentality of the State and any county, municipality or public corporation authorized by or pursuant to the Constitution or laws of the State to issue Affected Bonds.

“Local Issuer” means any Issuer which is a county, municipality, or public corporation organized by or pursuant to approval by a county or municipality (or pursuant to approval by two or more counties or municipalities or both) and which is authorized by or pursuant to the Constitution or laws of the State to issue Affected Bonds.

“Manufacturing Facility” means any facility which is used in the manufacturing or production of tangible personal property (Including processing resulting in a change in the condition of such property), and includes any facility devoted to an activity described in Standard Industrial Classification (SIC) Code Major Groups 20 through 39, or to agricultural activities, and further includes office facilities related to the foregoing so long as such office facilities are located on the premises of the Manufacturing Facility to which they are related.

“Private Activity Bond” has the same meaning as that specified for such term in Section 141(a) of the Code.

“Qualified Mortgage Bond” has the same meaning as that specified for such term in Section 143(a)(1)(A) of the Code.

“Qualified Redevelopment Bond” has the same meaning as that specified for such term in Section 144(c) of the Code.

“Qualified Residential Rental Project” has the same meaning as that specified for such term in Section 142(d) of the Code.

“Qualified Small Issue Bond” has the same meaning as that specified for such term in Section 144(a) of the Code.

“Qualified Student Loan Bond” has the same meaning as that specified for such term in Section 144(b) of the Code.

“Remaining State Ceiling” means the total State Ceiling for calendar year 1988, less the amount thereof which, as of the date of this Act, has been allocated by the Governor of the State pursuant to the provisions of Executive Order 22 of the Governor, and less the amount thereof which, as of the date of this Act, has been allocated to, or otherwise used by, Local Issuers for the issuance of Affected Bonds issued prior to the date of this Act. The amount of the Remaining State Ceiling shall be determined by the Authority pursuant to Section 4(b)(iv) of this Act.

“State” means the State of Alabama.

“State Ceiling” means the maximum principal amount of Affected Bonds permitted to be issued in the State during a calendar year under the provisions of Section 146 of the Code. Under the provisions of the Code in effect on the date of passage of this Act, based upon the most recent estimate of the population of the State made by the Bureau of Census, the State Ceiling for calendar year 1988 is \$201,050,000. In the event that the provisions of Section 146 of the Code are amended subsequent to the passage of this Act, or upon the publication by the Bureau of Census of revised estimates of the population of the State from time to time, the amount of the State Ceiling available for allocation hereunder shall be revised in accordance with the provisions of Section 146 of the Code.

SECTION 3. Allocation Procedure. Allocations of the State Ceiling shall be granted by the Authority in response to Applications filed with the Authority by any Issuer in the following manner:

(a) Each Application shall be made by an instrument in writing signed by an officer or agent of the Issuer and shall contain (i) the names and addresses of the Issuer, the proposed lessee, purchaser or user of the project to be financed (if applicable), and bond counsel, (ii) the maximum principal amount of Affected Bonds proposed to be issued, (iii) a brief description of the project to be financed, and (iv) a brief description of the Affected Bonds proposed to be issued, identifying such bonds as “Exempt Facility Bonds”, “Qualified Mortgage Bonds”, “Qualified Small Issue Bonds” (and if “Qualified Small Issue Bonds”, further indicating whether the project to be financed constitutes a Manufacturing Facility), “Qualified Student Loan Bonds”, or “Qualified Redevelopment Bonds”. In addition, a copy of any notification required by law to be filed with the Alabama Securities Commission in connection with the issuance of the bonds which are the subject of the Application shall also be filed with the Authority together with the Application. All Applications shall be mailed or otherwise delivered to the Authority at such address and in such manner as may be specified by the Authority.

(b) Each Application and each request for an extension of an Allocation shall be accompanied by an administrative fee in such amount as may be determined by the Authority.

(c) All Applications shall be processed and all Allocations shall be made by the Authority in accordance with the provisions of Section 4 below.

(d) Each Allocation of State Ceiling granted by the Authority prior to December 1 of any calendar year shall expire upon the earlier of (i) sixty (60) calendar days following the date of Allocation, or (ii) midnight on November 30 of the calendar year in which the

Allocation is made, unless a notification confirming issuance of the bonds has been received by the Authority as described in Section 3(e) below, subject to extension for such period as may be permitted at the discretion of the Authority for good cause shown. Any Application which has expired may be renewed by resubmission of a new Application. Any Allocation granted by the Authority on or after December 1 of any year shall expire at such time as may be designated by the Authority in such Allocation. The foregoing provisions of this Section 3(d) shall not apply to Carryforward Allocation, which shall be effective for the period provided in Section 146(f)(3) of the Code.

(e) Every Allocation shall be subject to the condition subsequent that a notification confirming the issuance of bonds pursuant to such Allocation must be received in the office of the president of the Authority within such period of time following the date of issuance of the bonds as may be provided by the Authority. The confirmation required hereby may be executed by any officer, representative or agent of the Issuer, by hand delivery, or by regular, certified or registered mail, and shall be effective upon receipt at the office of the president of the Authority. Failure to provide a confirmation within the specified period shall authorize the Authority to revoke the allocation for which the confirmation is required; provided, however, that the Authority shall waive any such revocation upon a reasonable and timely showing of good cause for such failure or undue hardship that would be caused by the said revocation, and any such revocation shall be subject to review by a court of competent jurisdiction.

(f) On December 1 of each calendar year, any portion of the State Ceiling previously allocated by the Authority, for which a confirmation of issuance has not been received by the Authority as required by Section 3(e) above shall revert to the Authority, to be allocated along with any other portion of the State Ceiling then available, to Issuers of Affected Bonds at the discretion of the Authority, subject to the duty of fairness and impartiality in the granting of allocations set forth in Section 6 of this act. Applications for Allocations to be made during the month of December shall be submitted to the Authority in the manner required in Sections 3(a) and 3(b) above.

SECTION 4. Allocation Formulae. (a) The State Ceiling for calendar year 1989 and thereafter is hereby allocated in its entirety to the State, and no other governmental unit, Issuer, or other entity of any type shall have or utilize any portion of the State Ceiling for such year except in accordance with this Act. The State Ceiling for calendar year 1989 and thereafter shall be redistributed by the Authority to Issuers of Affected Bonds in the chronological order of

receipt of completed Applications, subject to the limitations, reservations and further provisions of this Section 4(a).

(i) There is hereby reserved for Alabama Housing Finance Authority twenty-five percent (25%) of the State Ceiling for each calendar year, to be used for the issuance of Exempt Facility Bonds for Qualified Residential Rental Projects and for the issuance of Qualified Mortgage Bonds, in such relative principal amounts as shall be determined by the Board of Directors of Alabama Housing Finance Authority. The reservation of State Ceiling hereby granted to Alabama Housing Finance Authority shall extend until December 24 of each calendar year. Any portion thereof which shall be voluntarily released by Alabama Housing Finance Authority in favor of the Authority or which shall remain unused as of 5:00 p.m., Central Standard Time, on December 24, shall revert to the Authority and shall be available for reallocation under Section 4(a)(v) below. If, during any calendar year, the provisions of the Code as then in effect shall not provide an exclusion from gross income for interest on bonds or other obligations issued by Alabama Housing Finance Authority, the reservation contained in this Section 4(a)(i) shall revert to the Authority and shall be subject to allocation by the Authority under paragraph (v) below.

(ii) There is hereby reserved for Alabama Higher Education Loan Corporation ten percent (10%) of the State Ceiling for each calendar year, to be used for the issuance of Qualified Student Loan Bonds. The reservation of State Ceiling hereby granted to Alabama Higher Education Loan Corporation shall extend until December 24 of each calendar year. Any portion thereof which shall be voluntarily released by Alabama Higher Education Loan Corporation in favor of the Authority or which shall remain unused as of 5:00 p.m., Central Standard Time, on December 24 shall revert to the Authority and shall be available for reallocation under Section 4(a)(v) below. If, during any calendar year, the provisions of the Code as then in effect shall not provide an exclusion from gross income for interest on bonds or other obligations issued by Alabama Higher Education Loan Corporation, the reservation contained in this Section 4(a)(ii) shall revert to the Authority and shall be subject to allocation by the Authority under paragraph (v) below.

(iii) Subject to the provisions of Section 4(a)(vi) below, thirty-five percent (35%) of the State Ceiling for each calendar year is hereby reserved for Issuers of Qualified Small Issue Bonds which are issued to finance Manufacturing Facilities.

(iv) Subject to the provisions of Section 4(a)(vi) below, fifteen percent (15%) of the State Ceiling for each calendar year is hereby reserved for Issuers of Exempt Facility Bonds.

(v) Subject to the duty of fairness and impartiality set forth in Section 6 of this act, the remaining fifteen percent (15%) of the State Ceiling for each calendar year not provided for in paragraphs (i), (ii), (iii) and (iv) above, together with any amounts which shall revert to the Authority under Section 3(f) or paragraphs (i) and (ii) above, is hereby reserved for the Authority, to be allocated to Issuers of Affected Bonds in the discretion of the Authority.

(vi) Subject to the duty of fairness and impartiality set forth in Section 6 of this act, should the Authority determine that inefficient use has been or is being made of the reservations contained in paragraphs (ii), (iii) and (iv) above, or should the Authority determine for any other reason that such reservations are inappropriate, the Authority may, from time to time, reallocate all or any part of such reservations in accordance with paragraph (v) above.

(b) The Legislature has found and determined that the method for allocating the State Ceiling contained in Section 146 of the Code, as applicable to the State immediately prior to the passage of this Act, including particularly the provisions therein requiring that one-half of the State Ceiling be distributed among Local Issuers on the basis of population, does not permit the full utilization of the State Ceiling. In many instances, the amount of State Ceiling available to Local Issuers under the provisions of the code are inadequate to permit the issuance of Affected Bonds in the principal amounts needed. In order to promote the complete and efficient utilization of the State Ceiling available for use in calendar year 1988 as of the date of this Act, the following provisions shall be applicable to Affected Bonds issued on or after the effective date of this Act:

(i) The Remaining State Ceiling for calendar year 1988 is hereby allocated in its entirety to the State, and from and after the date of this Act, no other governmental unit, Issuer or other entity of any type shall have or utilize any portion of the Remaining State Ceiling for such year except in accordance with this Act. The Remaining State Ceiling shall be allocated during calendar year 1988, in the discretion of the Authority, to Issuers of Affected Bonds upon receipt of completed Applications subject to the further provisions of this Section 4(b).

(ii) The Authority shall take all necessary and appropriate steps to determine the amount of the Remaining State Ceiling as soon as practicable after the passage of this Act. In order to assist the Authority in such determination, each county, municipality and other Local Issuer in the State shall be required to report to the Authority such information as the Authority may request with respect to the principal amount of Affected Bonds issued by such entities during calendar year 1988 and prior to the date of this Act. The Authority shall also review the records of the Alabama Securities Commission

maintained under Article 5 of Chapter 6 of Title 8 of the Code of Alabama 1975 as a further means of determining the amount of State Ceiling heretofore used by Local Issuers in calendar year 1988 otherwise than pursuant to the provisions of Executive Order No. 22.

SECTION 5. Carryforward Allocation Procedure. Applications for Carryforward Allocations may be submitted to the Authority on or after December 1 of each calendar year. The Authority shall grant such Carryforward Allocations in its sole discretion, giving due regard to the likelihood of the use of the remaining State Ceiling prior to December 31 of such year, and shall use its best efforts to assure that any remaining and unallocated State Ceiling is used to satisfy Applications for Carryforward Allocations.

SECTION 6. Duty of Fairness and Impartiality in Granting Allocations. Anything contained in this act to the contrary notwithstanding, the Authority shall have a duty to administer the state ceiling allocation program created in this act fairly and impartially. In making any decision entrusted to its discretion, including particularly the granting of allocations or the reallocation of portions of the state ceiling among categories of Affected Bonds, or the revocation or waiver of revocation of an allocation, the Authority shall give paramount importance to the fair, impartial and efficient discharge of its powers. Actions of the Authority shall be subject to review by a court of competent jurisdiction to assure adherence to such standards of fairness and impartiality, which court may grant such legal and equitable remedies as it may deem necessary in order to assure such adherence; provided, however, that no member or director of the Authority shall have any personal liability for the actions of the Authority in connection with the allocation program.

SECTION 7. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SECTION 8. Forms, Regulations, and Interpretations. The Authority may do all other things necessary or desirable to carry out the purpose of this Act, including the establishment of fees to be paid with each Application. The Authority is hereby empowered to adopt and promulgate such rules, policies, regulations and forms as it may deem necessary or desirable to carry out the purposes of this Act. The Authority is hereby specifically authorized to adopt such rules and regulations, including rules and regulations limiting the principal amount of Allocations to be granted to Local Issuers, as it may determine to be necessary or desirable to promote the fair and efficient distribution of the State Ceiling among Local Issuers. The Authority shall have the power to employ attorneys, agents or independent contractors to assist the Authority in the administration of its duties hereunder.

SECTION 9. Designation of Official for Certifications. The President of the Authority is hereby designated as the State official authorized to make certifications required by Section 149(e)(2)(F) of the Code.

SECTION 10. Confirmation of Prior Allocations. All allocations of State Ceiling applicable to the State made prior to the effective date of this Act pursuant to Executive Orders of the Governor of the State are hereby ratified and confirmed.

SECTION 11. Severability Clause. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains. If any reference herein to successor provisions of the Code is hereafter declared to be an unconstitutional or illegal delegation of legislative authority, then all references herein to the Code shall be deemed to refer to the provisions of the Code in effect as of the date of adoption of this Act.

Approved September 27, 1988

Time: 4:15 P.M.

Act No. 88-871

H. 95—Reps. Ford, Bowling, Layson, Hamilton, Grouby, White (L), Turner, Headley, Blakeney, Mikell, Junkins, Bugg, Flowers, Walker, Burke, Willis, Moon, Hogan, Williams, Freeman, Richardson, White (F), Warren, Wright, Biddle, Davis, Harvey, Melton, Newton, Reed, Mathis, McClain, Carter, Black and Laird

AN ACT

To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first payday on or after October 1, 1988, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and hourly employees

of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and circuit judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county or other contributing agency under the direction of the state board of health shall receive a 7.5% salary increase. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the salary increase for state employees and officials.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1988 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1988 Regular or Special sessions of the legislature.

Section 3. The director of the state personnel department shall revise the schedule or rates set forth in the pay plan for state employees and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to all court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to the legislative employees, the secretary of the senate for senate employees, the clerk of the house of representatives for house employees, and the director of the Legislative Reference Service for Legislative Reference Service employees, and the director of the Legislative Fiscal Office for Legislative Fiscal Office employees shall revise the schedule or rates set forth in the pay plan for such legislative employees to reflect the increase

provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state officials and employees the increased salaries are hereby appropriated for the fiscal year beginning October 1, 1988, from such funds as the salaries of the several state officials and employees are paid.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This Act shall become effective on September 10, 1988, with the first payment on October 7, 1988 for all state officials and employees covered by this Act who are paid bi-weekly, and effective on October 1, 1988, for all state officials and employees covered by this Act whose salaries are set annually and who are paid semi-monthly, and upon approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 4:16 P.M.

Act No. 88-872

H. 132—Rep. Holley

AN ACT

To levy a state fee of \$7.60 and a county fee of \$.40 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal and disposed of at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such state fees levied to the State General Fund and for the county fee, to the credit of the general fund of the county wherein hazardous waste disposal sites are located.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) COMMERCIAL SITE FOR THE DISPOSAL OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCES. A site or facility receiving hazardous waste or hazardous substances, as defined

herein, not generated on site, for disposal and to which a fee is paid or other consideration given for such disposal.

(2) **DISPOSAL.** The discharge, deposit, injection, dumping, spilling, incineration, leaking or placing of any hazardous waste or hazardous substance into or on any land or water so that such hazardous waste or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters including groundwaters at a commercial site within the State of Alabama for the disposal of hazardous waste or hazardous substances as defined herein. For the purpose of this act incineration does not include hazardous substances or waste that have been blended for use as a fuel in conformance with state and federal requirements.

(3) **HAZARDOUS SUBSTANCE(S).** Any substance defined as a hazardous substance pursuant to 42 U.S.C. §9601(14), as amended, or listed as a hazardous waste pursuant to the Code of Alabama 1975, Section 22-30-10, as amended.

(4) **HAZARDOUS WASTE(S).** Those wastes defined at Section 22-30-3(5), Code of Alabama 1975, as amended, or listed pursuant to Section 22-30-10, Code of Alabama 1975, as amended, or department regulations.

(5) **OPERATOR.** Any person, firm, or corporation owning or operating such facility or site.

(6) **TON.** A short ton of 2,000 pounds.

Section 2. There is hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste or hazardous substances in the amount of \$7.60 per ton for all hazardous waste or hazardous substance received for disposal, and actually disposed of, at such site.

Section 3. The proceeds from the fee herein levied, less the department of revenue's actual cost for administration and collection, not to exceed ten per centum (10%), shall be deposited into the general budgetary fund of the State to be used for general operations.

Section 4. In addition to all fees levied heretofore or hereafter, expressly including the tax levied in Section 2 of this Act, there is also hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste in the amount of \$.40 per ton to be collected by the county and deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located; and all such proceeds shall be expended for health purposes. It is further provided that all provisions relating to the state fee including date of payment, required reporting, penalties, interest, property liens, record keeping, recovery of overpayment and

prosecution for violations shall also apply to the county fee levied by this section.

Section 5. All state fees levied under this Act shall be paid to the State department of revenue no later than the thirtieth day of the month next following receipt of such hazardous waste or hazardous substance for disposal. Any person, firm or corporation which fails to pay the fee herein levied, within the time required shall pay, in addition to such fee, a penalty of 10 percent of the amount of the fee due, together with interest thereon at the annual rate prescribed under section 40-1-44, from the date at which the fee levied under the provisions of this act became due and payable, such penalty and interest to be assessed and collected as part of the fee itself.

Section 6. (a) If any operator covered by the provisions of this act shall fail to make the monthly reports prescribed herein and pay the fee hereby imposed on or before the thirtieth day of the calendar month following the receipt of such hazardous waste or hazardous substance for disposal, the department of revenue shall make a report for such delinquent operator upon such information as it may reasonably obtain, assess the fee thereon and for failure to make such report and pay the fee herein imposed, add a penalty of 10 percent of the fee due on the amount as assessed by the commissioner of revenue. If, in the opinion of the department of revenue, a good and sufficient cause is shown for such delinquency, the commissioner of revenue may remit the penalty, otherwise the fee and penalty shall be paid.

(b) If no fee as defined herein is due from any operator covered by the provisions of this act, the operator nevertheless shall be required to submit the monthly reports as required herein; failure to submit such monthly reports may result in the assessment of a penalty by the department of revenue in any amount not to exceed \$250.00.

Section 7. Any operator covered by the provisions of this act who willfully renders a false or fraudulent report, shall be assessed by the department of revenue a penalty of fifty percent of the total amount of the fees due.

Section 8. If any operator fails to make the monthly reports herein required, the department of revenue shall issue written notice, by certified or registered mail, to such operator to make such reports forthwith, and if such operator fails or refuses to make such report, or reports, within 30 days from the date of such notice, then the department shall make reports for such delinquent taxpayer upon such information as it may reasonably obtain, and shall assess the

fees due thereon, and shall add such penalties as prescribed hereinabove for the failure to make such report and pay such fee, together with interest at the rate prescribed under section 40-1-44 from the date such fees were due. If, in the opinion of the department of revenue, a good and sufficient reason is shown for such delinquency, the commissioner of revenue may waive or remit the penalties as prescribed herein, or a portion thereof.

Section 9. The fee, together with interest and penalties imposed by this act, shall be a lien upon the property of the operator which is subject to the provisions of this act, and the provisions of the revenue laws of the State of Alabama applying to liens shall apply fully to the fees herein levied.

Section 10. The monthly report herein required shall be sworn to before some officer authorized to administer oaths, and any false or fraudulent statement to a material fact made with an intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

Section 11. Any operator of a commercial site for the disposal of hazardous waste or hazardous substances shall maintain a written record for all such hazardous waste or hazardous substances received for disposal. Said record shall contain the names and addresses of all persons, firms or corporations transporting and delivering such hazardous waste or hazardous substances to said facility, and the names and locations of all persons, firms or corporations from whence said hazardous waste or hazardous substance was produced or generated, the quality of hazardous waste or hazardous substance received by such commercial hazardous waste or hazardous substance facility, and the date of delivery and such additional information as the commissioner of revenue reasonably may require for the proper administration and enforcement of the provisions of this act. This record must be a true, accurate and correct statement of the transaction as provided for under the provisions for this act, and any personnel or persons who knowingly makes a false or fraudulent statement of a material fact with intent to defraud shall be guilty of a Class C misdemeanor and shall be punished as provided by law. The records required, under the provisions of this act, shall be maintained by the operators of said commercial site for the disposal of hazardous waste or hazardous substances, shall be available, during regular business hours, to any duly authorized agent or employee of the State of Alabama Department of Revenue, and such records shall be retained by said operators for a period of not less than three years. Any operator of such commercial site for the disposal of hazardous waste or hazardous substances which shall fail to maintain such records, or in any manner shall cause the falsification of same as to any

material matter with an intent to defraud, shall be guilty of a Class C misdemeanor and shall be punished as provided by law.

Section 12. Any operator who shall violate any of the provisions of this act and shall fail to correct such violation within 60 days after notice to the operator in the manner provided in Section 7 herein may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the State of Alabama by its Attorney General, by the counsel of the Department of Revenue, or, under their direction by any district attorney of the state until such person shall have complied with the provisions of this act.

Section 13. If, upon examination by the department of revenue, it is determined that a fee has been paid in excess of that properly due, then the amount in excess shall be credited against any amount thereof then due from the operator, and any balance of such excess shall be refunded by certificate of overpayment issued by the department to the comptroller. Upon approval of such certificate by the comptroller, he shall issue his warrant on the treasurer for the amount shown by such certificate. Any fees recovered through judicial action of an operator shall be refunded in like manner, but shall be accompanied by a copy of the appropriate judgment of a court.

Section 14. All actions by the state for the recovery of additional amounts claimed under this article shall be commenced within a period of three years from the date the report was filed.

Section 15. It shall be unlawful for any person to print or publish in any manner whatever the fee report of any operator or any part thereof or the fees due thereon or to divulge to any person, except persons required or authorized to collect or audit or assist in collecting or auditing the reports or to use the information contained in any such report or acquired in auditing any such report or enforcing the provisions of this act for any purpose except for the audit of such report and collection of the fee imposed by this act, unless the fee thereby imposed becomes delinquent; any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not to exceed \$500.00 or sentenced to hard labor for the county for not more than 90 days, one or both for each offense, and upon conviction thereof any such person shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue or under the department of revenue.

Any assistant or agent of the department of revenue who shall willfully refuse to perform the duties imposed upon him by this act

or by the department of revenue shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$500.00 or sentenced to hard labor for the county for not more than 90 days, one or both, for each offense.

All reports and information secured by officials or employees of the department of revenue for the purpose of arriving at fees shall be kept under lock and key by the department of revenue, and any official or employee of the state or of any county who shall divulge the contents thereof except under order of court shall be guilty of a Class C misdemeanor and shall be punishable as provided by law, and any person found guilty of violating this provision of this act shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue.

Section 16. The reports and records shall remain in the office of the department of revenue and shall not be open to public inspection.

Section 17. The commissioner of revenue shall fully cooperate with county officials for the successful administration of the county fee levied in Section 4 of this act and have the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws. The provisions of this act are to be construed in *pari materia* with the provisions of the Southeast Interstate Low-Level Radioactive Waste Management Compact, Section 22-32-1, et seq., Code of Alabama 1975, as amended. If any provision of this act shall be held to be inconsistent with any provision of said Compact, the provision of said Compact shall govern.

Section 20. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 27, 1988

Time: 4:17 P.M.

Act No. 88-873

H. 6—Rep. Campbell

AN ACT

Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each

candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; to repeal chapter 22 of Title 17 of the Code of Alabama 1975; and to provide certain retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the Fair Campaign Practices Act.

Section 2. For purposes of this act, unless a different meaning clearly appears in the context, the following terms shall have the meanings ascribed in this section:

(1) **CANDIDATE.** An individual who has:

(a) Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office or in the case of an independent seeking ballot access, on the date when he or she files a petition with the probate judge in the case of county offices or the secretary of state in all other cases; or

(b) Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to any state office or local office. Provided, however, that no person shall be considered a candidate within the meaning of this subdivision until such time as he or she has either received contributions or expenditures as provided herein in the following amounts:

1. \$10,000 or more, with a view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state;

2. \$3,000 or more, with a view toward bringing about nomination or election to any state office filled by election of the registered voters of any circuit or district; and

3. \$1,000 or more, with a view toward bringing about nomination or election to any local office.

(2) CONTRIBUTION.

(a) The following shall be considered contributions:

1. A gift, subscription, loan, advance, deposit of money or anything of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election;

2. A contract or agreement to make a gift, subscription, loan, advance, or deposit of money or anything of value for the purpose of influencing the result of an election;

3. Any transfer of anything of value received by a political committee from another political committee, political party or other source; or

4. The payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate, political committee or political party without payment of full and adequate compensation by such candidate, political committee or political party. Provided, however, that the payment of compensation by a corporation for the purpose of establishing, administering or soliciting voluntary contributions to a separate, segregated fund as permitted by Section 10-1-2, Code of Alabama 1975, shall not constitute a contribution.

(b) The term "contribution" does not include:

1. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;

2. The use of real or personal property and the cost of invitations, food or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual's residential or business premises for election-related activities;

3. The sale of any food or beverage by a vendor for use in an election campaign at a charge to a candidate or political committee less than the normal comparable charge, if such charge to the political committee for use in an election campaign is at least equal to the cost of such food or beverage to the vendor;

4. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers personal services to a candidate or political committee; or

5. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or

sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

6. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless such information was compiled with the advance knowledge of and approval of the candidate or the political committee.

(3) ELECTION. Unless otherwise specified, any general, special, primary or runoff election, or any convention or caucus of a political party held to nominate a candidate, or any election at which a constitutional amendment or other proposition is submitted to the popular vote.

(4) EXPENDITURE.

(a) The following shall be considered expenditures:

1. A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the result of an election;

2. A contract or agreement to make any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, for the purpose of influencing the result of an election; or

3. The transfer, gift or contribution of funds of a political committee to another political committee.

(b) The term "expenditure" does not include:

1. Any news story, commentary, or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party or political committee;

2. Nonpartisan activity designed to encourage individuals to register to vote, or to vote;

3. Any communication by any membership organization to its members or by a corporation to its stockholders and employees if such membership organization or corporation is not organized primarily for the purpose of influencing the result of an election;

4. The use of real or personal property and the cost of invitations, food or beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential or business premises for election-related activities;

5. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee;

6. Any communication by any person which is not made for the purposes of influencing the result of an election; or

7. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

(5) IDENTIFICATION. The full name and complete address.

(6) LOAN. A transfer of money, property, or anything of value in consideration of a promise or obligation, conditional or not, to repay in whole or part.

(7) LOCAL OFFICE. Any office under the constitution and laws of the state, except circuit, district or legislative offices, filled by election of the registered voters of a single county or municipality, or by the voters of a division contained within a county or municipality.

(8) PERSON. An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

(9) POLITICAL COMMITTEE. Any political committee, club, association, principal campaign committee, political party, or other group of one or more persons which receives or anticipates receiving contributions or makes or anticipates making expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee or other political committee. For the purposes of this act an individual who makes a personal political contribution (other than a candidate who makes a contribution to himself), shall not be considered a political committee.

(10) PRINCIPAL CAMPAIGN COMMITTEE. The principal campaign committee designated by a candidate under Section 4 of this act. A political committee established primarily to benefit an individual candidate or an individual elected official shall be considered a principal campaign committee for purposes of this act.

(11) PROPOSITION. Any proposal for submission to the general public for its approval or rejection, including proposed as well as qualified ballot questions.

(12) **STATE.** The State of Alabama.

(13) **STATE OFFICE.** All offices under the constitution and laws of the state filled by election of the registered voters of the state of any circuit or district and shall include legislative offices.

Section 3. (1) Every political committee shall have a chairman and a treasurer.

(2) All funds of a political committee shall be segregated from, and shall not be commingled with, any personal funds of officers, members, or associates of such committee.

(3) It shall be the duty of the treasurer of a political committee to keep a detailed, exact account of:

(a) All contributions made to or for such committee;

(b) All expenditures made by or on behalf of such committee; and

(c) The identification of every person to whom an expenditure is made, the date and amount thereof, and the name of each candidate on whose behalf such expenditure was made or a designation of the election proposition the result of which the political committee will attempt to influence by making expenditures or receiving contributions.

(4) It shall be the duty of the treasurer to obtain and keep a receipted bill or cancelled check, stating the particulars for every expenditure made by or on behalf of a political committee greater than \$100, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year is greater than \$100. Provided, however, the treasurer of a political committee other than a principal campaign committee shall not be required under this act to report any expenditure not related to political contributions or expenditures or made as an administrative expense. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of two years from the date of any such expenditure.

Section 4. Within five days after any person becomes a candidate for office, such person shall file with the Secretary of State or Judge of Probate, as provided in Section 9 of this act, a statement showing the name of not less than two nor more than five persons elected to serve as the principal campaign committee for such candidate, together with a written acceptance or consent by such committee, but any candidate may declare himself or herself as the person chosen to serve as the principal campaign committee, in which case such candidate shall perform the duties of chairman and treasurer of such committee prescribed by this act. If any vacancies be created

by death or resignation or any other cause, such candidate may fill such vacancy, or the remaining members shall discharge and complete the duties required of such committee as if such vacancy had not been created. The principal campaign committee, or its treasurer, shall have exclusive custody of all moneys contributed, donated, subscribed or in any manner furnished to or for the candidate represented by such committee, and shall account for and disburse the same. No candidate shall expend any money in aid of his or her nomination or election except by contributing to the principal campaign committee designated by the candidate as aforesaid.

Section 5. (1) Each political committee, other than a principal campaign committee, which anticipates either receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Secretary of State or the Judge of Probate as herein provided in Section 9, a statement of organization, within ten days after its organization or, if later, within ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in an aggregate amount in excess of \$1,000. Each such committee in existence at the date of enactment of this act shall file a statement of organization within sixty days after the effective date of this act.

(2) The statement of organization shall include:

- (a) The name and complete address of the committee;
- (b) The identification of affiliated or connected organizations, if any;
- (c) The purposes of the committee;
- (d) The identification of the chairman and treasurer;
- (e) The identification of principal officers, including members of any finance committee;
- (f) A description of the constitutional amendments or other propositions, if any, that the committee is supporting or opposing, and the identity, if known, of any candidate or elected official that the committee is supporting or opposing;
- (g) A statement whether the committee is a continuing one, and if not, the expected termination or dissolution date; and
- (h) The disposition of residual funds which will be made in the event of dissolution.

(3) Any material change in information previously submitted in a statement of organization, except for the information described in subsection (f) above, shall be reported to the Secretary of State or

Judge of Probate as provided in Section 9, within ten days following the change.

(4) A political committee, including a principal campaign committee, after having filed its initial statement of organization, shall continue in existence until terminated or dissolved as provided herein. When any political committee other than a principal campaign committee determines it will no longer receive contributions or make expenditures during any calendar year in an aggregate amount exceeding \$1,000, or when any candidate through his or her principal campaign committee determines that he or she will not receive contributions or make expenditures in the amounts specified in Section 2(1)b of this act, the chairman or treasurer of such political committee may so notify the Secretary of State or Judge of Probate, as designated in Section 9 of this act, of the termination or dissolution of such political committee. Such notice shall contain a statement by the treasurer of such committee of the intended disposition of any residual funds then held by the committee on behalf of a candidate.

Section 6. A political committee shall maintain a checking account and shall deposit any contributions received by such committee into such account. No expenditure of funds may be made by any such committee except by check drawn on such account, or out of a petty cash fund from which it may make expenditures not in excess of \$100 to any person in connection with a single purchase or transaction.

Section 7. Amounts received by a principal campaign committee as contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by such committee, may be used by such candidate to defray any ordinary and necessary expenses incurred by him or her in connection with his or her duties as a holder of office, may be contributed by him or her to any organization described in section 170(c) of Title 26 of the U.S. Code, may be transferred to another political committee or may be used for any other lawful purpose.

Section 8. (1) The treasurer of each principal campaign committee or other political committee shall file with the Secretary of State or Judge of Probate, as designated in Section 9 of this act, reports of contributions and expenditures at the following times in any year in which an election is held:

(a) Forty-five days before and between ten and five days before the date of any election for which a political committee receives contributions or makes expenditures with a view toward influencing such election's result;

(b) Provided, however, that a report shall not be required except between five and ten days before a run-off election.

(2) All candidates, political committees, and elected state and local officials covered under the provisions of this act, shall annually file with the Secretary of State or Judge of Probate, as designated in Section 9 of this act, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before January 31 of the succeeding year.

(3) Each report under this section shall disclose:

(a) The amount of cash or other assets on hand at the beginning of the reporting period; provided, however, that the initial report required by this act shall include cash and assets acquired from the date of July 1, 1988, and forward until the end of that reporting period and disbursements made from same;

(b) The identification of each person who has made contributions to such committee or candidate within the calendar year in an aggregate amount greater than \$100, together with the amount and date of all such contributions; provided, however, in the case of a political committee, other than a principal campaign committee, identification shall mean the name and city of residence of each person who has made contributions within the calendar year in an aggregate amount greater than \$100;

(c) The total amount of other contributions received during the calendar year but not reported under subsection (3)(b) of this section;

(d) Each loan to or from any person within the calendar year in an aggregate amount greater than \$100, together with the identification of the lender, the identification of the endorser, or guarantors, if any, and the date and amount of such loans;

(e) The total amount of receipts from any other source during such calendar year;

(f) The grand total of all receipts by or for such committee during the calendar year;

(g) The identification of each person to whom expenditures have been made by or on behalf of such committee or elected official within the calendar year in an aggregate amount greater than \$100, the amount, date, and purpose of each such expenditure, and, if applicable, the designation of each constitutional amendment or other proposition with respect to which an expenditure was made;

(h) The identification of each person to whom an expenditure for personal services, salaries, and reimbursed expenses greater than \$100 has been made, and which is not otherwise reported or exempted

from the provisions of this act, including the amount, date and purpose of such expenditure;

(i) The grand total of all expenditures made by such committee or elected official during the calendar year; and

(j) The amount and nature of debts and obligations owed by or to the committee or elected official, together with a statement as to the circumstances and conditions under which any such debt or obligation was extinguished and the consideration therefor.

(4) Each report required by this section shall be signed and filed by the elected official or on behalf of the political committee by its chairman or treasurer and, if filed on behalf of a principal campaign committee, by the candidate represented by such committee. There shall be attached to each such report an affidavit subscribed and sworn to by the official or chairman or treasurer and, if filed by principal campaign committee, the candidate represented by such committee, setting forth in substance that such report is to the best of his or her knowledge and belief in all respects true and complete, and, if made by a candidate, that he or she has not received any contributions or made any expenditures which are not set forth and covered by such report.

Section 9. (1) All statements and reports required of principal campaign committees under the provisions of this act shall be filed with the Secretary of State in the case of candidates for state office or state elected officials, and in the case of candidates for local office or local elected officials, with the Judge of Probate of the county in which the office is sought.

(2) Political committees, except principal campaign committees, which seek to influence an election for local office or to influence a proposition regarding a single county, shall file all reports and statements with the Judge of Probate of the county affected. All other political committees, except as provided in subsection (1) above, shall file reports and statements with the Secretary of State.

Section 10. (1) A copy of each report shall be preserved for public inspection by the Secretary of State or Probate Judge, whichever is applicable.

(2) The date of filing of a report or statement filed pursuant to this act shall be deemed to be the date of receipt by the Secretary of State or Judge of Probate, as the case may be; provided, that any report or statement filed by certified or registered mail shall be deemed to be filed in a timely fashion if the date of the United States postmark stamped on such report or statement is at least two days prior to the required filing date, and if such report or statement is properly addressed with postage prepaid.

Section 11. The Secretary of State and the Judge of Probate shall have the following duties:

(1) To accept and file all reports and statements required by the provisions of this act to be filed with them and to accept any information voluntarily supplied that exceeds the requirements of this act;

(2) To make each statement and report filed by a principal campaign committee or other political committee or elected official available for public inspection and copying during regular office hours, any such copying to be at the expense of the person making copies; except that any information copied from such reports or statements may not be sold or used by any political party or any political committee for the purpose of soliciting contributions or for commercial purposes, without the express written permission of the candidate or political committee reporting such information.

(3) To furnish any forms to be used in complying with the provisions of this act. The expenses incurred by the Secretary of State in furnishing forms, accepting statements and reports, filing statements and reports, and making such statements and reports available to the public shall be paid from moneys designated to the Distribution of Public Documents.

Section 12. Any paid political advertisement appearing in any print media or broadcast on any electronic media shall be clearly identified or marked as a paid advertisement. It shall be unlawful for any person, candidate, principal campaign committee or other political committee to broadcast, publish or circulate any campaign literature or political advertisement, without a notice appearing on the face or front page of any printed matter, or broadcast at the beginning or end of a radio or television spot, stating that the communication was a paid advertisement and giving the identification of the person, principal campaign committee or other political committee that paid for or otherwise authorized such communication.

Section 13. It shall be unlawful for any person, candidate, principal campaign committee, or other political committee to publish or distribute or display, or cause to be published or distributed or displayed, any card, pamphlet, circular, poster, or other printed material relating to or concerning any election, which does not contain the identification of the person, candidate, principal campaign committee, or other political committee responsible for the publication or distribution or display of the same.

Section 14. Notwithstanding any other provisions of this act or any other laws or parts of laws, a political committee may be established by a corporation.

Section 15. Notwithstanding any provision of this act to the contrary, political committees qualified with the Federal Election Commission established under 2 U.S.C. 437 shall file a copy of any report filed with the Federal Election Commission with the Secretary of State and such filing shall constitute compliance with the reporting requirements of this act.

Section 16. It shall be unlawful for any person to obstruct, intimidate, threaten or coerce any other person for the purpose of interfering with the right to such other person to vote or to vote as he or she may choose, or for the purpose of causing such other person to vote for, or not to vote for, any candidate for state or local office or any other proposition at any election.

Section 17. It shall be unlawful for any person to pay or offer to pay, or for any person to accept such payment, either to vote or withhold his or her vote, or to vote for or against any candidate.

Section 18. It shall be unlawful for any person to make a contribution in the name of another person, or knowingly permit his or her name to be used to effect such a contribution made by one person in the name of another person, or for any candidate or political committee to knowingly accept a contribution made by one person in the name of another person; provided, however, that nothing in this act would prohibit any person from soliciting and receiving contributions from other persons for the purpose of making expenditures to a candidate, political committee, or elected state or local official required to file reports pursuant to Section 8 of this act.

Section 19. It shall be unlawful for any person to fraudulently misrepresent himself or herself, or any other person or organization with which he or she is affiliated, as speaking or writing or otherwise acting for or on behalf of any candidate, political committee or political party, or agent or employee thereof, in a manner which is damaging or is intended to be damaging or is intended to be damaging to such other candidate, political committee or political party.

Section 20. It shall be unlawful for any person or any political committee established pursuant to this act or for any person acting on behalf of such person or committee, to solicit or secure any money or anything of value by physical force, job discrimination or financial reprisals, or by threats thereof or by the imposition of dues, fees, or other moneys required as a condition of employment.

Section 21. A certificate of election or nomination shall not be issued to any person elected or nominated to state or local office who shall fail to file any statement or report required by this act. A certificate of election or nomination already issued to any person elected or nominated to state or county office who fails to file any statement or report required by this act shall be revoked.

Section 22. (1) A person who violates any provision of this act other than a reporting requirement under Sections 4, 5 and 8 is guilty of a Class A misdemeanor and subject to a fine of not more than \$2,000, or imprisonment of not more than one year, or both such fine and imprisonment.

(2) A person who violates any reporting requirement of Sections 4, 5 and 8 is guilty of a Class B misdemeanor, and subject to a fine of \$1,000 or an amount not to exceed double the amount or value of the contributions or expenditures not reported, whichever is greater, or imprisonment of not more than six months, or both such fine and imprisonment; provided, however, that this subsection shall not apply to contributions received or to expenditures made before the effective date of this act.

(3) The Attorney General may prosecute for violations of this act. Venue for cases involving violations of this act shall be in the county in which the alleged violator resides. No prosecution for violation of this act shall be commenced later than two years after the date of violation.

Section 23. It is the intention of the Legislature by the passage of this act that its provisions be construed in *pari materia* with other laws regulating political contributions, corporations, or political contributions by corporations.

Section 24. Chapter 22 of Title 17 of the Code of Alabama 1975 and all laws and parts of laws in conflict herewith are hereby repealed.

Section 25. The invalidity of any one or more of the provisions of this act shall not affect the remaining portions of this act, and in the event that one or more provisions of this act should be held invalid, this act shall be construed as if such invalid provision had not been included herein.

Section 26. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, the reporting requirements provided for in this act shall have retroactive effect to July 1, 1988.

Approved September 27, 1988

Time: 4:14 P.M.

Act No. 88-874

H. 186—Reps. Carothers and Johnson (RG)

AN ACT

To provide for the establishment and operation of an Alabama Chiropractors' Hall of Fame Board, and to prescribe its powers and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Chiropractors' Hall of Fame Board is hereby created and established. The board shall be composed of the executive committee of the Alabama State Chiropractic Association. The board shall meet annually at the office of the Alabama State Chiropractic Association and at such other times and places as its rules and bylaws may prescribe. A majority of the members shall constitute a quorum for the transaction of business. Members who cannot attend a meeting may appoint another member of the State Chiropractic Association to serve in their place for that meeting.

Section 2. It shall be the function and main purpose of the board to honor those living or dead, who by achievement or service, have made outstanding and lasting contributions to the profession and exhibited outstanding civic service in Alabama. The board may adopt such rules, regulations, and bylaws as it deems necessary to carry out its functions and duties.

Section 3. The board may solicit and accept donations, contributions and gifts of money and property or services, and all gifts made to the board shall be exempt from all taxation in Alabama. All property, money and income, of the board shall likewise be exempt from taxation.

Section 4. The board may receive and spend all appropriations of public money made for the use of the board and may expend funds donated or contributed for its use.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1988

Time: 2:00 P.M.

Act No. 88-875

H. 310—Rep. Turnham

AN ACT

To amend Sections 27-4-2, 27-7-7, 27-8-5 and 27-39-6, Code of Alabama 1975, which provide for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 27-4-2, 27-7-7, 27-8-5 and 27-39-6, Code of Alabama 1975, are hereby amended to read as follows:

“§27-4-2.

“(a) The commissioner of insurance shall collect in advance fees, licenses and miscellaneous charges as follows:

“(1) Certificate of authority:

“a. Initial application for original certificate of authority, including the filing with the commissioner of all documents incidental thereto \$500.00

“b. Issuance of original certificate of authority 500.00

“c. Annual continuation or renewal fee 500.00

“d. Reinstatement fee 500.00

“(2) Charter documents, filing with the commissioner amendment to articles of incorporation or of association, or of other charter documents or to bylaws 25.00

“(3) Solicitation permit, filing application and issuance 250.00

“(4) Annual statement of insurer, except when filed as part of application for original certificate of authority, filing 25.00

“(5) Agent Licenses and Appointments:

“a. Property, casualty and surety agents (resident or nonresident):

“1. Application fee (For filing of application for license or appointment) 20.00

“2. Appointment fee (For appointment of agent by insurer and annual renewal of appointment, each insurer)

“(a) All classification except comprehensive property, casualty and surety, each classification 7.50

“(b) Comprehensive property, casualty and surety 7.50

“b. Life and disability resident agents

“1. Application fee (For filing of application for license) 20.00

“2. License fee (For original license and each annual renewal, each insurer) 7.50

“c. Life and disability nonresident agents	
“1. Application fee (For filing application for license)	20.00
“2. License fee (For original license and each annual renewal, each insurer)	30.00
“d. Examination fees (For filing application for examination or reevaluation of resident agent or broker)	
“1. Each classification of examination except comprehensive property, casualty and surety	10.00
“2. Comprehensive property, casualty and surety	30.00
“e. Each vending machine licensed under section 27-8-23, each year	25.00
“(6) Broker’s license (resident or nonresident brokers):	
“a. Filing application for license	20.00
“b. Issuance of license	50.00
“c. Annual continuation of license	50.00
“(7) Solicitor’s license:	
“a. Annual continuation of license	20.00
“(8) General agent’s license:	
“a. Filing application for license	30.00
“b. Issuance of license, property and casualty, each insurer	25.00
“c. Annual continuation of license, each insurer	25.00
“(9) Service representative’s license:	
“a. Filing application for license	20.00
“b. Issuance of license, property and casualty, each insurer	20.00
“c. Annual continuation of license, property and casualty, each insurer	20.00
“(10) Surplus line broker license, each license year	50.00
“(11) Adjusters:	
“a. License	40.00
“b. Annual continuation of licenses	40.00

“(12) Miscellaneous services:

“a. For copies of documents, records on file in insurance department, per page 1.00

“b. For each certificate of the commissioner under his seal, other than agent licenses 5.00

“(13) The commissioner is hereby authorized and directed to collect a fee of \$25.00 when, in acting as agent or attorney for any insurance company, fraternal benefit society, mutual aid association or credit union, he accepts the service of legal process as provided by the laws of this state. He shall refuse to receive and file or serve any process unless such process is accompanied by the aforementioned fee, which shall be taxed as costs in the action.

“(b) The commissioner shall promptly pay all fees and licenses collected under this section into the state treasury to the credit of the general fund.

“§27-7-7.

“(a) The commissioner shall not issue any license except upon application therefor as in this chapter provided. Each applicant for a license shall file annually with the commissioner his written application therefor signed by him and showing:

“(1) His name, age and place of residence;

“(2) The kinds of insurance to be transacted under the license and the insurer or insurers he proposes so to represent;

“(3) The person, firm or corporation by whom he expects to be employed or associated with as such licensee and his status as an officer or representative thereof;

“(4) Whether he proposes to write or solicit insurance of his own risks and interests, or those of his relatives, any firm or corporation in which he is financially interested or connected, directly or indirectly, or of his employer;

“(5) A short business history of the applicant and the name and nature of any business enterprise with which he may be associated;

“(6) The extent of his formal education and business experience or apprenticeship;

“(7) Whether he has ever applied previously for a license or been licensed to transact any kind of insurance business in this state or elsewhere and whether any such license was ever refused, suspended or revoked;

“(8) Whether any insurer or managing general agent claims that he is in default as to premiums or other moneys collected and not

accounted for and, if so, the details thereof and like information as to any member of his family who is then, or has theretofore been, engaged in the insurance business; and

“(9) Any additional information reasonably required by the commissioner.

“Additional licenses shall require the applicant’s full name, residence, age, place of business and certification whether he has had a license to solicit insurance contracts refused, suspended, or revoked since his last annual license; whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reason for the cancellation; and whether the applicant has been convicted of a felony since his last annual license.

“(b) If the applicant for an agent’s or broker’s license is a partnership or corporation, the application shall show, in addition, names of every member of the partnership and every officer, director, stockholder and employee of the corporation personally engaged in this state in soliciting or negotiating policies of insurance. Each such member, officer, director, stockholder or employee shall furnish information with respect to himself as part of the application, as though for an individual license, and shall otherwise meet the requirements for an individual license.

“(c) Partnerships and corporations shall file their organizational documents with the commissioner, accompanied by an initial filing fee of \$50.00. The license shall continue in effect, subject to an annual fee of \$50.00, unless cancelled, suspended or revoked. Each partnership and corporation shall file with the commissioner any change in its organization accompanied by a fee in the amount of \$10.00.

“(d) At the time of filing his original application for license, the applicant shall pay to the commissioner the application fee and the fees for any examinations required under section 27-7-10 as specified in section 27-4-2. Such fees shall not be returnable. Appointment fees, as required in section 27-4-2, shall be paid as to each individual included in the application for a partnership or corporation license.

“(e) If the commissioner has contracted with a qualified testing institution as provided for in section 27-7-11 (c), fees approved for such services by the commissioner may, at the commissioner’s discretion, be paid directly to such testing institution and such fee shall be in lieu of but not in excess of the fees for the examination required under section 27-7-10 as specified in section 27-4-2.

“§27-8-5.

“(a) The commissioner shall not issue any license except upon application therefor as provided in this section. Each applicant for

a license as an agent or broker shall file annually with the commissioner his written application therefor signed by him, verified by his oath and showing:

“(1) Applicant’s full name, residence, age, occupation and place of business for five years next preceding the date of the application;

“(2) Whether applicant has ever held a license to solicit insurance contracts in any state;

“(3) Whether applicant has ever been refused or has had suspended or revoked any license to solicit insurance contracts in any state;

“(4) What insurance experience, if any, he has had;

“(5) What instruction in insurance and in the insurance laws of this state he has had or expects to have;

“(6) Whether any insurer claims that applicant is indebted to the insurer under any agency contracts or otherwise and, if so, the name of the claimant, nature of the claim and applicant’s defense thereto;

“(7) Whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reason for the cancellation;

“(8) Whether applicant will devote all, or part of, his efforts to acting as an insurance agent and, if part time only, how much time he expects to devote to work as an agent or broker and in what other business, or businesses, he is engaged or employed;

“(9) Whether, if applicant is married, the spouse has ever applied for or held a license to solicit insurance in any state and whether any such license has ever been refused, suspended or revoked; and

“(10) Such other information as the commissioner may reasonably require.

“Additional licenses shall require the applicant’s full name, residence, age, place of business and certification whether he has had a license to solicit insurance contracts refused, suspended, or revoked since his last annual license; whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reason for the cancellation; and whether the applicant has been convicted of a felony since his last annual license.

“(b) The application for an agent’s license shall be accompanied by a certificate on forms furnished by the commissioner and signed by an officer or duly authorized representative of the insurer stating, if true, that the insurer has investigated the character and background of the applicant and is satisfied that he is trustworthy and qualified

to act as its agent and to hold himself out in good faith to the general public as an agent and that the insurer desires that the applicant be licensed as an agent of the insurer as defined in subsection (a) of section 27-8-1.

“(c) If the applicant for an agent’s or broker’s license is a partnership or corporation, the application shall show, in addition, names of every member of the partnership and every officer, director, stockholder and employee of the corporation personally engaged in this state in soliciting or negotiating policies of insurance. Each such member, officer, director, stockholder or employee shall furnish information with respect to himself as part of the application, as though for an individual license, and shall otherwise meet the requirements for an individual license.

“(d) Partnerships and corporations shall file their organizational documents with the commissioner accompanied by an initial filing fee of \$50.00. The license shall continue in effect, subject to an annual fee of \$50.00, unless cancelled, suspended or revoked. Each partnership and corporation shall file with the commissioner any change in its organization accompanied by a fee in the amount of \$10.00.

“(e) When filed, the application shall be accompanied by the examination filing fee specified in section 27-4-2 if the applicant is subject to an examination under this chapter. Any such fee shall not be subject to refund, whether or not the applicant in fact takes an examination. An additional license fee shall be paid as to each individual included in the application for a partnership or corporation license.

“(f) Prior to issuance of a license as an insurance broker, the applicant shall file with the commissioner and, thereafter for as long as the license remains in effect, shall keep in force a bond in the penal sum of not less than \$20,000.00 with an authorized corporate surety approved by the commissioner. The aggregate liability of the surety for any and all claims on any such bond shall in no event exceed the penal sum thereof. No such bond shall be terminated unless at least 30 days’ prior written notice thereof is given by the surety to the licensee and the commissioner. Upon termination of the license for which the bond was in effect, the commissioner shall notify the surety within 10 working days.

“(g) All surety protection under this section is to inure to the benefit of the aggrieved parties.

“§27-39-6.

“(a) Within 30 days after January 1, 1972, every automobile club or association organized and/or operating in the state of Alabama

shall file with the commissioner an application for a certificate of authority to continue said operations within the state, and every automobile club or association desiring to commence operations within the state shall, prior to the commencement of said operation, file application with and receive a certificate of authority from the commissioner. No certificate of authority shall be issued until the automobile club or association has paid to the commissioner \$250.00 as an annual license fee, which fee shall not be returnable. Licenses shall be issued for the period beginning January 1 of each year and shall expire on the following December 31. The commissioner shall deposit all fees collected in the state treasury to the credit of the general fund.

“(b) The following documents and information shall be filed with the application of all such clubs and associations:

“(1) The sum of \$25,000.00 in cash or securities, as approved by the commissioner and deposited in trust with the state treasurer or, in lieu thereof, a surety bond payable to the commissioner in the amount of \$25,000.00 of a surety company authorized to do business in this state, conditioned upon the full compliance with this chapter and the faithful performance of the obligations of such club or association to its members. The bonds shall be approved by the commissioner and shall not be cancelled without 30 days’ notice to the commissioner. If such bond is filed, any person defrauded or injured by any wrongful act, misrepresentation or failure on the part of a motor club with respect to selling or rendering of any service may maintain an action on such bond in his own name. Upon receipt of notice of the intended dissolution of such automobile club or association and upon receipt of notice of evidence satisfactory to the commissioner that all obligations of the club or association to its members and creditors have been satisfied, the state treasurer, upon written authorization from the commissioner, shall refund said money or securities and the obligations of said bond shall terminate;

“(2) Appointment of an agent for service of process who shall be a resident of the state of Alabama or, in lieu thereof, the commissioner; and

“(3) A copy of the proposed form of membership application, membership certificate, bylaws, contracts for service and any other material, including advertising matter, requested by the commissioner.

“(c) If the commissioner shall be satisfied that the applicant is competent and trustworthy and possesses the professional ability to perform the services and that he meets all the requirements of this chapter, he shall issue to the applicant a certificate of authority to conduct the business of such automobile club or association within this state.”

Section 2. It is the legislative intent that nothing in this act shall be construed to affect the Special Examination Revolving Fund, as provided for in Section 27-2-25, Code of Alabama 1975, or the State Fire Marshal's Fund, as provided for in Section 24-5-10, Code of Alabama 1975.

Section 3. This act shall become effective October 1, 1988.

Approved September 28, 1988

Time: 4:45 P.M.

Act No. 88-876

S. 51—Senator Ellis

AN ACT

To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Be It Enacted by the Legislature of Alabama:

Section 1. §16-8-3 Code of Alabama, 1975, is hereby amended to read as follows:

“§16-8-3. Special annual public meeting. The county board of education shall hold a meeting each year for the purpose of giving the public an opportunity of presenting to the board matters relating to the allotment of public school funds or any other matter relating to the administration of the public schools of the county. The time and location of such meeting shall be determined by each local board of education and shall be given public notice. (School Code 1927, §91; Code 1940, T. 52, §67; Acts 1969, Ex.Sess., No. 92, p.171.)”

Section 2. §16-8-4 Code of Alabama, 1975, is hereby amended to read as follows:

“§16-8-4. Organization, regular and special meetings; rules of procedure, majority vote. The county board of education shall hold an annual meeting each year in November. At this meeting the board shall elect each year one of its members to serve as president and one to serve as vice-president. Each board shall hold at least five additional regular meetings during the school year, and such special meetings may be held, at such place as the duties and the business of the board may require. Public notice shall be given of regular meetings. The rules generally adopted by deliberative bodies for their government shall be observed by the county board of education. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole board. (School Code 1927, §91; Code 1940, T. 52, §67; Acts 1969, Ex. Sess., No. 92, p. 171.)”

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 12:35 P.M.

Act No. 88-877

H. 311—Rep. Headley

AN ACT

Relating to Bibb County, to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county in areas located outside the corporate limits of Centreville, Brent and West Blocton; to provide for collection of said tax by the state revenue department; and to distribute the net proceeds of said tax to the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission is hereby authorized to levy and provide for the collection of an additional sales and use tax, paralleling the state sales and use taxes on any sales and use in Bibb County in those areas of the county located outside the corporate limits of Centreville, Brent and West Blockton, in an amount of one cent (\$.01) per dollar of gross sales or usage.

Section 2. There are exempted and excluded from the provisions of this act the same exemptions and exclusions applicable to the state sales and use taxes.

Section 3. The proceeds from the taxes provided for herein shall be collected by the state department of revenue. Said proceeds, less any costs of collection, shall be deposited without delay into the Bibb County treasury. The amount deducted from said proceeds by the department of revenue for the cost of collection shall be an amount equivalent to five percent (5%) of the revenue collected hereunder.

Section 4. The state department of revenue shall have the same authority to enforce the provisions of this act that it has to enforce the provisions of the state sales and use tax laws.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 3:15 P.M.

Act No. 88-878

S. 100—Senator deGraffenried

AN ACT

To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-6-1, Code of Alabama 1975, is hereby amended to read as follows:

“§40-6-1. When officials commissioned as supernumeraries.

“(a) In the various counties of the state of Alabama having a population of less than 600,000 inhabitants according to the last or any subsequent federal decennial census, any tax collector, tax assessor, revenue commissioner, license commissioner or other elected or appointed official charged with the assessment and/or collection of any ad valorem taxes in any county of the state of Alabama:

(1) Who has served for 14 years as such official in any county of Alabama and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians;

(2) Who has served for 12 years as a county official for any county of Alabama, at least 10 years or more being continuously as tax collector, tax assessor, license commissioner, revenue commissioner or other elected or appointed official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of age, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected or appointed official charged with the assessment and/or collection of any ad valorem taxes of the county in which he serves as such official by filing a written declaration to that effect

with the governor of the state of Alabama. If the governor of the state of Alabama shall find any such declarant qualified either under subdivision (1) or (2) of this subsection, a commission as supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected or appointed official charged with the assessment and/or collection of any ad valorem taxes for the county in which he has served in the state of Alabama shall thereupon be issued to such declarant by the governor of the state of Alabama. In computing length of service as such official, the time served as any other county-wide elected official of the county and/or the time served as chief clerk of the tax collector, tax assessor or license commissioner of any county shall be counted; or elected state and city official;

(3) Any person who has served 18 years as a county official for any county of Alabama, the last six or more years as tax collector, tax assessor, revenue commissioner, license commissioner, or other elected or appointed official charged with the assessment and/or collection of ad valorem taxes, and prior thereto at least 12 years as chief clerk to the tax collector, tax assessor, revenue commissioner or license commissioner, or other elected or appointed official charged with the assessment and/or collection of ad valorem taxes, or prior thereto at least 12 years as an elected county commissioner, who is not less than 60 years of age or who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner or license commissioner or other elected or appointed official by filing a written declaration to that effect with the governor of the state of Alabama. If the governor shall find that any such declarant is qualified under this subdivision, a commission as supernumerary tax collector, tax assessor, revenue commissioner or license commissioner, or other elected or appointed official charged with the assessment and/or collection of ad valorem taxes, as the case may be, for the county in which he has served shall be issued to the declarant; or

(4) Who has served for 15 years as a county official for any county of Alabama, at least nine or more being continuously as tax collector, tax assessor, license commissioner, revenue commissioner or other elected or appointed official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of age, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected or appointed official charged with the assessment and/or collection of any ad valorem taxes of the county in which he serves as such official by filing a written declaration to that effect with the governor of the state of Alabama. In computing length of service as such official, the time served as any other elected state, county, or city

official shall be counted. If the governor shall find that any such declarant is qualified under this subsection, a commission as supernumerary tax collector, tax assessor, revenue commissioner, license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, as the case may be, for the county in which he has served shall be issued the declarant.

“(b) Any person serving as a supernumerary official on April 27, 1977, shall not be affected by this section.”

Section 2. Section 40-6-3, Code of Alabama 1975, is hereby amended to read as follows:

“§40-6-3. Life tenure; compensation.

“Every such supernumerary official shall serve for life and receive from the county governing body, in equal monthly installments on the first of each month, or in such installments as other county officials or employees are paid, an annual salary as follows:

(1) For 12 years service he shall receive 50 percent of his average compensation during the last four years served as an official charged with assessing and collecting ad valorem taxes;

(2) For 14 years service he shall receive 55 percent of such average compensation;

(3) For 16 years he shall receive 60 percent of such average compensation; and

(4) For 18 or more years he shall receive 65 percent of such average compensation; provided, however, that all persons who were serving as supernumerary officials under the provisions of this chapter on April 27, 1977, and continue to so serve, and such officials who have become or shall become supernumerary officials after April 27, 1977, at an annual salary less than \$10,000.00, shall receive an annual salary of \$10,000.00, said sum to be paid in the same manner heretofore provided in this chapter.

“The tax collector, if there is a supernumerary tax assessor or tax collector in the county, or the license commissioner or person charged with the collection of any ad valorem taxes other than the tax collector, if there is a supernumerary license commissioner or other official charged with the assessing and/or collecting of ad valorem taxes in the county, shall out of the first money collected by him pay to the county governing body the said sum which shall be paid to the supernumerary official as heretofore set forth. The said sum shall be deducted on a pro rata millage basis from payments to the state, county and all subdivisions and agencies thereof, except municipalities, to which the person collecting ad valorem taxes is charged with the distributing of ad valorem taxes collected under the

law; provided, that should such official die without leaving a surviving spouse, or otherwise become disqualified as such supernumerary official, any money remaining in such fund shall be refunded to the person by whom it is paid to the county, and he shall distribute the money refunded to him to the state, county or other subdivisions and agencies on the same pro rata millage basis that it was originally withheld."

If any official covered under this chapter should die prior to attaining the age of sixty years, but being otherwise qualified to be appointed a supernumerary official, except for age, and be survived by a spouse lawfully married to such official at the time of his or her death, then such surviving spouse shall be paid a monthly allowance equal to fifty percent of the salary which would have been paid to such official had he or she survived to the age of sixty. Said monthly allowance shall be paid in the same manner as herein provided for payment to a qualified official and shall continue for fifteen (15) years or until the marriage of said surviving spouse, whichever first occurs. Likewise, upon the death of any official covered under this chapter after he or she has become fully qualified for appointment as a supernumerary official, including age, whether appointed as a supernumerary official or still serving in active office, the surviving spouse of such official shall be paid a monthly allowance equal to fifty percent of the supernumerary salary being paid to such official or to which he or she would be entitled if appointed as supernumerary, said monthly allowance to be paid in the same manner herein provided for such official and to continue for fifteen (15) years or until the marriage of said surviving spouse, whichever first occurs.

Section 3. Section 40-6-4, Code of Alabama 1975, is hereby amended to read as follows:

"§40-6-4. Deductions from salaries or fees of officials charged with assessment or collection of taxes.

"The governing body of such county shall deduct from the salary of the tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of each county, if such officials are paid by salary, an amount equal to six percent of the annual salary paid such official by the county. Such sum shall be deducted monthly and distributed at the end of the fiscal year on a pro rata millage basis to the state, county and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If such officials are compensated by fees and commissions, the tax collector shall deduct from the money paid to the tax collector, tax assessor, revenue commissioner, license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, an amount equal to six percent of the sum paid, and

said amounts shall be distributed immediately to the state, county and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If any person coming under the provisions of this chapter shall end his tenure of office prior to becoming supernumerary as provided in subsections (a) and (b) of section 40-6-1 the official whose tenure of office has ended may elect to have the total amount paid by him refunded or, if qualified by length of service but not age, may elect to wait until reaching age 60 and then receive the annual salary as provided for in section 40-6-3. In the event such persons die in office prior to becoming supernumerary, and leave no surviving spouse, the amount paid in by him or her shall be paid to his or her estate. Likewise, any surplus remaining from contributions made by a supernumerary official who dies after becoming supernumerary, and without leaving a surviving spouse, but before he or she has drawn out as much as he or she had paid in prior to becoming supernumerary, shall be paid to his or her estate. In the event an official dies in office prior to serving the minimum length of time to qualify as a supernumerary, and leaves a surviving spouse, the amount paid in by him or her shall be paid to such surviving spouse. Any person desiring to come under the provisions of this chapter pursuant to subdivisions (2) or (3) of subsection (a) of section 40-6-1, shall pay to the county tax collector such proportionate sum as to equal the amount he would have been required to pay if he were employed as a tax collector, tax assessor, revenue commissioner, license commissioner or other elected or appointed official charged with the assessment and/or collection of any ad valorem taxes of the county, such proportionate sum to be distributed by the tax collector as provided in this section."

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:00 P.M.

Act No. 88-879

S. 62—Senator Horn

AN ACT

To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$40,000.00.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14-1-14 of the Code of Alabama 1975, is hereby amended to read as follows:

“Section 14-1-14. Corrections revolving fund.—There is hereby created from the board’s general operating funds, for the use and benefit of the board, a fund in the amount of \$40,000.00 to be known as the corrections revolving fund. The purpose of said fund shall be to pay certain expenses at the general office of the board and at the prisons and institutions under its supervision and control. The commissioner of corrections or the chief accountant of the board, upon authorization by the board, shall be the custodian of said fund and shall authorize, approve or certify all withdrawals and expenditures from said fund. Reimbursement to this fund shall be made by voucher by the commissioner or chief accountant, upon which the comptroller shall issue his warrant. The commissioner shall be authorized to make such expense advances from said fund to transfer agents and other employees as he deems proper. He shall be authorized to set aside such amounts as he deems necessary to the various prisons and institutions under his supervision for allowances to prisoners and for general administrative uses in such institutions. Expenditures from said fund shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41. All refunds to the corrections revolving fund, as established by this section, shall be made from the board’s general operating fund.”

Section 2. The Department of Corrections is expressly authorized to transfer \$20,000.00 from the operating funds to the corrections revolving fund.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:01 P.M.

Act No. 88-880

S. 7—Senator Smith (J)

AN ACT

Relating to Madison County, providing a certain county supplement to the salary of each supernumerary circuit clerk in the Twenty-third Judicial Circuit payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Any circuit clerk of the Twenty-third Judicial Circuit in Madison County, shall have the right of election to come under the provisions of this act. Any circuit clerk who elects to make the contributions provided in Section 2 of this act shall, upon becoming a supernumerary circuit clerk, be entitled to receive an additional compensation, payable from the treasury of Madison County, of 2.222% of the compensation paid such supernumerary clerk by the State of Alabama for each year of service for which he is given credit toward supernumerary status by the Administrative Director of Courts.

Section 2. A circuit clerk of the Twenty-third Judicial Circuit may elect to participate in the benefits provided in Section 1 of this act by filing with the probate judge and with the chairman of the county commission or county treasurer of Madison County a written instrument declaring his election to so participate and authorizing the county commission to deduct the sum of six percent (6%) of his county supplemental pay as his contribution toward the cost of providing the retirement compensation provided for in Section 1. Provided, however, the number of years for which a circuit clerk retiring under this act shall receive credit can in no event exceed eighteen (18) years.

Section 3. The election provided for in this act must be made by the circuit clerk holding office at the time of the effective date of this act and within ninety (90) days from the effective date and if not then made may not thereafter be made.

Section 4. Any circuit clerk who has paid in contributions pursuant to Section 2 and who leaves office or dies before becoming entitled to receive the retirement compensation herein provided for, he or his estate shall be entitled to be reimbursed for all such contributions.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:02 P.M.

Act No. 88-881

S. 94—Senator Goodwin

AN ACT

To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-21-9 of the Code of Alabama 1975 is hereby amended to read as follows:

“§36-21-9.

“(a) Any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action shall be eligible to obtain without charge a card authorizing the retired officer to legally carry a handgun about or on his person. Such card shall be issued permanently by the sheriff of the county in which the retired law enforcement officer resides upon application by any eligible retired law enforcement officer.

“(b) In the event the retiree having such a card of authorization is suspected of or is charged with any crime or his character becomes so degenerated that he becomes known as one who is of bad character, then said retiree’s authorization for the carrying of a handgun shall be revoked by the sheriff of the county in which the retired officer resides. The sheriff shall notify the retiree in writing and by registered mail that his authorization is revoked. The sheriff shall state the reasons for the revocation and order the retiree to turn his authorization card in to that sheriff within 30 days. Should the retiree refuse to return the card within the said 30-day limit and continues to carry the handgun, he will be guilty of carrying a weapon without a license or carrying a concealed weapon, whichever might be the case.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:03 P.M.

Act No. 88-882

S. 171—Senator Bailey

AN ACT

To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-16-5, Code of Alabama 1975, is hereby amended to read as follows:

“§26-16-5.

“(a) The business of the state board shall be conducted at public meetings held in compliance with section 13A-14-2. The board shall hold two regular public meetings each year and may hold such special meetings as in the opinion of the chairman or a majority of the board are needed to transact the business of the board. Notice of the time, date, and place of each meeting shall be given in the manner and for the time prescribed therefor by the board.

“(b) All books, records and documents pertaining to the board or the performance of any official function of the board shall be public records and open to the public at all reasonable times.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:04 P.M.

Act No. 88-883

S.J.R. 61—Senator Smith (B)

SENATE JOINT RESOLUTION

RECOGNIZING THE EXEMPLARY PUBLIC SERVICE OF JOE W. DAVIS TO THE CITY OF HUNTSVILLE AND TO THE STATE OF ALABAMA.

WHEREAS, Joe W. Davis, on October 3, 1988, will complete 20 years of exemplary service to the City of Huntsville as its Mayor; and

WHEREAS, prior to becoming Mayor of the City of Huntsville, he served in the U.S. Navy during World War II, was a public school teacher and principal, and also served 3 1/2 years as Administrative Assistant to the then Mayor of the City of Huntsville; and

WHEREAS, he became Mayor of the City of Huntsville at a time when the completion of man's first voyage to the moon atop a Huntsville-built Saturn V had resulted in Huntsville's space oriented economy; and

WHEREAS, under his leadership the City of Huntsville developed a diversified economy, based upon a desirable balance of research

and development, high-tech, and basic industries, with an infrastructure of public services enabling it to serve not only the City itself, but also the region of North Alabama and South Tennessee of which it is the center; and

WHEREAS, the leadership of Joe W. Davis also resulted in the emergence of a stable labor force in the region, available to serve the broad range of both traditional and high-tech industries; and

WHEREAS, during his term, City of Huntsville financial operations finished in the black during each year of his service; and

WHEREAS, his sound management brought about budgetary and fiscal controls, including the adoption of both annual and 5-year capital budgets, which combined with the institution of nationally accepted and recognized accounting and auditing procedures resulted in the General Fund credit of the City of Huntsville being rated AA by Moody's Financial Services, the highest such rating of General Fund credit of a city in the State of Alabama, and an excellent rating compared with all cities generally in the United States; and

WHEREAS, under the leadership of Joe W. Davis, the City of Huntsville made the following significant achievements:

Four sewage treatment plants were upgraded to national standards and three new treatment plants were built, making a combined system capacity of 54.7 MGD, and bringing the system into compliance with national EPA standards, which system can easily be expanded to serve all of Madison County, and also that part of Limestone County which is in the City of Huntsville.

Thirty thousand acres of land were annexed into the corporate limits of the City of Huntsville, bringing the total land area of the City of Huntsville to 155 square miles.

The Von Braun Civic Center was planned and constructed, consisting of a 10,000 seat arena; a 2,200 seat Concert Hall; a 400 seat Little Theatre; a 23,420 square foot Art Museum; a 28,000 square foot Exhibit Hall; and a 23,000 square foot Banquet Hall, all at an initial cost of 22 million dollars and with an estimated replacement cost of 66 million dollars, resulting in Huntsville's becoming a regional entertainment, cultural, and Convention Center.

Constitution Hall Park, a re-creation of the one half block area where Alabama's first Constitution was adopted, was planned, built, and successfully operated as an historic museum and as a regional tourist attraction.

The pre-Civil War Memphis and Charleston Railroad Depot was acquired and converted into a transportation museum and tourist attraction.

Twelve neighborhood parks, totaling approximately 150 acres were acquired, improved and opened.

Four neighborhood recreation centers were built and opened, at a cost of 2.04 million dollars.

The Municipal Golf Course was redesigned, reconstructed, and opened as one of the finest municipal golf courses in the country.

A 30,440 square foot Natatorium, at a cost of 1.5 million dollars was planned, constructed, and placed into operation, resulting in Huntsville's becoming the site of national swim meets.

There were 452 new and expanded industries in the City of Huntsville during his tenure—resulting in 44,000 new jobs created—and in the process Huntsville developed a diversified economy and became a regional employment center, capable of attracting and serving the needs of state-of-the-art high-tech industries and also traditional basic industries—all at least partially due to the acquisition, upon the recommendation of Joe W. Davis, of 880 acres of industrial park property by the City of Huntsville.

The 10,000 seat multi-purpose stadium was built, and named Joe W. Davis Stadium, in honor of his leadership in its establishment, which became the home of the Double A baseball team, "The Huntsville Stars."

A 690 ton per day waste-to-steam plant, to burn Huntsville's municipal solid waste and sewage sludge, and to provide steam to Redstone Arsenal, was under construction under a 25-year agreement with Redstone Arsenal, which is expected to lead to Huntsville becoming a national leader in municipal solid waste disposal.

Regional shopping centers were constructed and Huntsville became a regional retail center.

Regional medical facilities were constructed and Huntsville became a regional medical center.

The Ditto Landing Marina was constructed to serve the region with more water oriented recreation facilities.

A new ten million dollar City Library was constructed and placed into operation, also serving Madison County and the region.

Huntsville and Madison County developed an International Airport, multi-modal facility, and Airport Industrial Park serving the region as a transportation and employment center; and

WHEREAS, he has also served in many significant local and national offices, all of which have benefited the City of Huntsville and the State of Alabama, as follows:

Member of the National League of Cities Advisory Council;

Member of the Executive Committee of the Alabama League of Municipalities;

Member of the Legislative Committee of the Alabama League of Municipalities;

Member of the Alabama League of Municipalities Committee on Community and Economic Development;

Past President of the Alabama League of Municipalities;

Past President of the North Alabama Mayors Association;

Member of the U.S. Conference of Mayors Standing Committee on Community Development, Housing and Economic Development;

Member of the Budget and Audit Committee of the U.S. Conference of Mayors;

Member of the National League of Cities Community and Economic Development Steering Committee;

Recipient of Honorary Doctorate Degree in Management from Southeastern Institute of Technology, 1981;

Past Commander of VFW Post 2702;

Past Jr. and Sr. Vice Commander of VFW, State of Alabama;

Former deacon, Central Presbyterian Church, Huntsville;

Past President of the Top of Alabama Regional Council of Governments;

Recipient of the Fiorello LaGuardia Award as Mayor of the Year, 1975, a national award presented by the National Fraternal Order of Eagles;

Member of the Alabama Space Science Exhibit Commission;

Past Member of the State of Alabama Armory Commission;

Recipient of the 1979 Good Government Award presented by the Huntsville Jaycees;

Listed in Who's Who In America;

Recipient of the North Alabama 1985 Administrator of the Year Award given by the North Alabama Chapter of the American Society for Public Administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, For and on behalf of all of the people of Alabama, that the exemplary public service of Joe W. Davis to the State of Alabama, and to the City of Huntsville, is hereby recognized, and the gratitude and appreciation of the people

of Alabama to Joe W. Davis for said service is hereby formally and officially expressed.

BE IT FURTHER RESOLVED, That this resolution be spread upon the official Journals of the House and Senate of Alabama, and when properly approved by the Governor, be filed for record in the Office of the Secretary of State of the State of Alabama, and that a copy be presented to Joe W. Davis.

Approved September 29, 1988

Time: 5:05 P.M.

Act No. 88-884

S.J.R. 62—Senator Langford

SENATE JOINT RESOLUTION

COMMENDING JOHN L. VARNADO FOR OUTSTANDING COMMUNITY, CIVIC AND FRATERNAL INVOLVEMENT.

WHEREAS, John L. Varnado, a retired United States Air Force officer since October 1986, has resided in Montgomery, Alabama, since 1982 and in previous periods in 1963, 1972-1975 and 1981 during assignments at the Gunter and Maxwell military installations; and

WHEREAS, during these residences, Mr. Varnado has participated in such activities as Beta Epsilon undergraduate community projects, the attainment of a B.S. degree from Auburn University at Montgomery, Montgomery Red Cross blood drives, and currently as a member of the Carver Creative and Performing Arts Center (CCPAC) Friends Board, Robert E. Lee High School Band Parents Association, Montgomery Museum of Fine Arts (charter membership), Auburn University at Montgomery Alumni Association, Canaan Hill Baptist Church Board of Trustees (secretary), and Central Montgomery Club of Optimist International (president elect); and

WHEREAS, Mr. Varnado also is a member of and has served as chapter committee chairman for special projects and Project Alpha for Alpha Upsilon Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., and currently serves the fraternity as state sergeant-at-arms; and

WHEREAS, in other community involvement, Mr. Varnado was instrumental in securing Mr. William Densmore, director of Atlanta's Northside School for the Performing Arts, to bring the "Show Biz Kids" to Montgomery, and for having CCPAC included in the show; and

WHEREAS, Mr. Varnado, who is the recipient of the U.S.A.F. Meritorious Service Medal and a certificate of appreciation for community service from Governor George Wallace, also is his Alpha Phi Alpha chapter nominee for the Charley Green Award; and

WHEREAS, John L. Varnado is currently employed in the business sector as a systems engineer involved in computer security and is an adjunct faculty member of Troy State University in Montgomery; he further is a self-employed businessman and a student at the University of Alabama completing requirements for his doctorate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to community, state and nation, we hereby most highly commend John L. Varnado, for whom a copy of this resolution of esteem shall be provided.

Approved September 29, 1988

Time: 5:06 P.M.

Act No. 88-885

S.J.R. 64—Senator Rice

SENATE JOINT RESOLUTION

NAMING THE ALABAMA FORESTRY COMMISSION DISTRICT FOUR BUILDING THE ERNIE MOORE BUILDING.

WHEREAS, Ernie Moore served the Alabama Forestry Commission as District Forester in Dadeville, Alabama for more than sixteen years; and

WHEREAS, he was responsible for many firsts in forestry in the Alabama Forestry Commission; and

WHEREAS, Mr. Moore was the motivating force and guiding hand which saw to the building of the First District Office of the Alabama Forestry Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Alabama Forestry Commission District Four office building located on Highway 280, two miles east of Dadeville, Alabama be named the Ernie Moore Building from this time forward.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Alabama Forestry Commission and to Mr. Ernie Moore.

Approved September 29, 1988

Time: 5:07 P.M.

Act No. 88-886

S.J.R. 66—Senator Langford

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WALKER BYRD SORRELL OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Dr. Walker Byrd Sorrell of Montgomery, Alabama, on August 27, 1988, at the age of 68 years; and

WHEREAS, a native of Ozark, Alabama, and a United States Army veteran of World War II, Walker Sorrell, as a young combat engineer, received the Distinguished Service Cross and the Purple Heart for extraordinary valor displayed, and in credit for our infantry's successful crossing of the Rapido River during the Italian campaign; and

WHEREAS, Dr. Sorrell, a graduate of the University of Alabama and the University of Tennessee Medical School, received his special training in pathology from Tulane University and remained in New Orleans as a pathologist for the Ochsner Foundation Hospital until 1957, at which time he joined the pathology staff at St. Margaret's Hospital in Montgomery; and

WHEREAS, in 1975, Dr. Sorrell entered the private practice of internal medicine and pathology; he also served as Coroner for Montgomery County, was instrumental in the establishment of the State Department of Forensic Science and, in further professional involvement, was active with the Society of Clinical Pathology, the American Medical Association and the Medical Association of Alabama, among others; and

WHEREAS, Dr. Sorrell, a member of the Alabama Citizens Hall of Fame, was a man of indomitable spirit, widespread interests and was as firmly committed to the community as to his profession; he was past president of the Wesley Fellowship Sunday School Class and the First United Methodist Church Mens Bible Class and a supporter also of numerous civic and charitable endeavors; and

WHEREAS, in the death of Walker Byrd Sorrell, the community has indeed lost a very prominent and dedicated physician, an outstanding Alabamian and a true American patriot; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we are grateful for the life and service of Walker Byrd Sorrell of Montgomery, Alabama, and extend deepest sympathy to his wife, Mrs. Virginia White Sorrell; daughters, Toxey Ann and Virginia Hope Sorrell; to his son, Walker Emerson Sorrell; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved September 29, 1988

Time: 5:07 P.M.

Act No. 88-887

S.J.R. 74—Senators Figures, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF BEULAH MAE DONALD OF MOBILE, ALABAMA.

WHEREAS, in sentiment of deep sadness and regret, the Legislature of Alabama records the lamentable death of Beulah Mae Donald of Mobile, Alabama, on September 17, 1988, at the age of 69 years; and

WHEREAS, Mrs. Donald, a woman of great strength and courage, was called upon in 1981 to face the devastating loss of her young son, Michael, who was beaten and strangled to death, his body left hanging from a tree by the two members of the Ku Klux Klan who were later tried and convicted for this heinous crime; and

WHEREAS, although Michael's vicious murderers were brought to justice, Mrs. Donald initiated a suit against the Klan in retribution

for its role in encouraging such violence against blacks and the organization's continuing perpetration of evil acts of racism; and

WHEREAS, Mrs. Donald, who was successful in her relentless pursuit of justice, won a \$7 million judgment against the Ku Klux Klan and as a result, the national headquarters building and property of the United Klans of America, Inc., were deeded to the estate of Michael Donald; and

WHEREAS, in recognition of outstanding courage in her fight and great victory against the Klan, Mrs. Donald received a number of awards and honors, including Ms. Magazine's Woman of the Year and the Candace Award for Civil Rights in June 1988 by the National Coalition of One Hundred Black Women; and

WHEREAS, Beulah Mae Donald was indeed a righteous and principled woman who, in striking a blow for justice, immortalized the life of her beloved son and in her death, the state and nation mourn; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Beulah Mae Donald of Mobile, Alabama, and extend deepest sympathy to her surviving children, Mary A. Houston, Cecilia Perry, Cynthia Mitchell, Betty J. Wyatt, Stanley Donald and Leo Donald, and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved September 29, 1988

Time: 5:08 P.M.

Act No. 88-888

H. 365—Reps. Britnell, Logan and Newman

AN ACT

Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), is hereby amended to read as follows:

"Section 1. There is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes

tobacco or certain tobacco products in Marion County a county privilege, license or excise tax up to the following amounts:

“(1) Four cents for each package of cigarettes, made of tobacco or any substitute therefor.

“(2) Four cents for each cigar of any description made of tobacco or any substitute therefor, except little cigars, such as Winchester cigars or cigarettos, which are similar to and which are packaged in the same manner as cigarettes, shall be taxed as cigarettes under subdivision 1 of Section 1.

“(3) Four cents for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

“(4) Four cents for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subdivision (3) of this section.

“(5) Four cents for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

“(6) Fifteen cents for each package of tobacco paper, both gummed and ungummed.

“Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

“Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

“Section 2. Upon passage of this act there is levied on every person, firm, corporation, club or association that sells or stores or receives for the purpose of distribution in Marion County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer or distributor shall state the amount of the tax separately from the price of the cigarettes,

cigars, snuff, smoking tobacco and the tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Marion County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than \$100.00 or imprisoned in the county jail for not more than 60 days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

“Section 3. It shall be the duty of the county commission of Marion County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Marion County commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue, if requested by resolution of the Marion County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax. However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

“Section 4. The state department of revenue, if requested by resolution of the Marion County commission, to collect all county

privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

"Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

"Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue to the Marion County commission to be deposited in two separate accounts to the credit of either the Marion County Water Coordinating and Fire Prevention Authority or the Marion County Volunteer Fire and Rescue Association as follows:

"(1) Sixty percent to the Marion County Water Coordinating and Fire Prevention Authority.

"(2) Forty percent to the Marion County Volunteer Fire and Rescue Association, to be divided as follows:

"a. Twenty-five percent to the Marion County Firefighters Association;

"b. Ten percent to rescue squad associations; and

"c. Five percent to public licensed ambulance services if such services are authorized and created by such association.

"The Marion County Fire and Rescue Association shall have authority to promulgate rules and regulations having the force and effect of law for the distribution of the funds under subdivision (2) of this section.

"Distribution shall be made by the Marion County commission to the separate accounts upon written request of the chairman of the respective Marion County Water Coordinating and Fire Prevention Authority and the Marion County Volunteer Fire and Rescue Association. Said written request shall be submitted to the Marion County commission and shall become a permanent part of the minutes of the commission. A copy of the written request shall be retained by the requesting authority or association to be entered in their permanent records.

"Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

"(b) This act shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

"Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 10. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:09 P.M.

Act No. 88-889

H. 352—Rep. Britnell

AN ACT

Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), is hereby amended to read as follows:

"Section 1. In addition to the tax levied by Act No. 515, H. 756, 1963 Regular Session (Acts 1963, p. 1100), there is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Franklin County a county privilege, license or excise tax up to the following amounts:

"(1) Four cents for each package of cigarettes, made of tobacco or any substitute therefor.

“(2) Four cents for each package of twenty little cigars made of tobacco or any substitute therefor.

“(3) Four cents for each cigar of any description other than those described in (2) above made of tobacco or any substitute therefor.

“(4) Four cents for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

“(5) Four cents for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subdivision (4) of this section.

“(6) Four cents for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

“(7) Fifteen cents for each package of tobacco paper, both gummed and ungummed.

“Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

“Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

“Section 2. Upon passage of this act there is levied on every person, firm, corporation, club or association that sells or stores or receives for the purpose of distribution in Franklin County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and the tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer,

storer or distributor engaged in or continuing in Franklin County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than \$100.00 or imprisoned in the county jail for not more than 60 days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

“Section 3. It shall be the duty of the county commission of Franklin County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Franklin County commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue, if requested by resolution of the Franklin County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax. However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

“Section 4. The state department of revenue, if requested by resolution of the Franklin County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, is hereby authorized to promulgate and enforce rules and regulations to effectuate the

purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

"Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

"Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue to the Franklin County commission to be deposited in two separate accounts to the credit of either the Franklin County Water Coordinating and Fire Prevention Authority or the Franklin County Volunteer Fire and Rescue Association as follows:

"(1) Sixty percent to the Franklin County Water Coordinating and Fire Prevention Authority.

"(2) Forty percent to the Franklin County Volunteer Fire and Rescue Association, to be divided as follows:

"a. Twenty-five percent to the Franklin County Firefighters Association;

"b. Ten percent to rescue squad associations; and

"c. Five percent to public licensed ambulance services if such services are authorized and created by such association.

"The Franklin County Fire and Rescue Association shall have authority to promulgate rules and regulations having the force and effect of law for the distribution of the funds under subdivision (2) of this section.

"Distribution shall be made by the Franklin County commission to the separate accounts upon written request of the chairman of the respective Franklin County Water Coordinating and Fire Prevention Authority and the Franklin County Volunteer Fire and Rescue Association. Said written request shall be submitted to the Franklin County commission and shall become a permanent part of the minutes of the commission. A copy of the written request shall be retained by the requesting authority or association to be entered in their permanent records.

"Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

"(b) This act shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale

dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

“Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

“Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

“Section 10. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:10 P.M.

Act No. 88-890

H. 362—Rep. Britnell

AN ACT

To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act 88-562, S. 667 of the 1988 Regular Session of the Legislature is hereby amended to read as follows:

“Section 9. All laws or parts of laws in conflict with this act are hereby repealed with the exception of Act 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:11 P.M.

Act No. 88-891

H. 363—Rep. Britnell

AN ACT

Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate limits and boundaries of the City of Bear Creek in Marion County are hereby altered, rearranged and extended so as to include within the corporate limits, in addition to the lands now included, all of the following territory:

Section 25 of Township 9 South, Range 12 West; Sections 29 and 30 and the South 1/2 of Section 28, and the NW 1/4 of Section 28, and all the property lying South of the ICG Railroad in the South 1/2 of the NE 1/4 of Section 28, and all lands lying south of the ICG Railroad in the SE 1/4 of Section 19, all being in Township 9 South, Range 11 West.

Section 2. The substantive provisions of this act shall become operative only if the act is approved by a majority vote of a group of electors which shall include all qualified electors of this state who own land in the described territory and all the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the City of Bear Creek, voting in a referendum election to be held at the next general election held statewide following passage of this act. The notice of the election shall be given by the probate judge and the results thereof canvassed in the manner prescribed by law. The question shall be presented substantially as follows: "Shall Act No. _____ of the 1988 Special Session of the legislature, which alters, rearranges and extends the corporate limits of the City of Bear Creek in Marion County, Alabama, be adopted? Yes _____ No _____."

If a majority of the votes cast in the election are "Yes," the provisions of this act shall become operative immediately. If the majority are "No," this act shall have no further effect.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:12 P.M.

Act No. 88-892

H. 353—Reps. Logan, Newman and Britnell

AN ACT

Relating to Marion County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; providing certain exceptions and providing for supplemental effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Marion County is hereby authorized to take the necessary action to merge the budgetary operations and functions of his office. Hereafter, said office shall be financed on a pro rata share basis from the proceeds of state, county and municipal ad valorem taxes collected in the county. Provided, however, state pro rata cost participation shall be limited to: (1) officials' salaries in accordance with Section 40-6A-2, Code of Alabama 1975, and (2) the cost of appraisal and mapping functions. This act is not intended to affect any other county office.

Section 2. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating the tax assessor's office in Marion County; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 3. This act shall become effective on October 1, 1989.

Approved September 29, 1988

Time: 5:13 P.M.

Act No. 88-893

H. 88—Reps. Fuller and Laird

AN ACT

Relating to Chambers County, providing further for the compensation of poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, each authorized county-appointed or city-appointed poll worker shall be entitled to receive a minimum of fifty dollars (\$50.00) per day of service. The compensation provided for this act shall be in lieu of any and all other compensation provided by law and shall be payable from the county or city general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:14 P.M.

Act No. 88-894

H. 165—Rep. Flowers

AN ACT

Relating to Pike County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Pike County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The Pike County commission shall employ a county engineer who shall be a thoroughly qualified and competent civil engineer possessing all of the qualifications as specified for county engineers under the general laws of the state of Alabama; who shall devote his entire time and attention to the maintenance and construction of the Pike County public roads, highways, bridges and ferries; and who shall reside in Pike County during his employment.

Section 2. The county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to the county commission, the state highway director shall be requested to make additional nominations. Should the state highway director refuse or fail to make nominations, the county commission may fill the position of county engineer with any person who has the qualifications herein set out.

Section 3. It shall be the duty of the county engineer: (1) to employ, supervise and direct all such assistants as are necessary to maintain and construct the public roads, highways, bridges and ferries of the county, to have authority to prescribe their duties, and to discharge said employees for cause or when not needed; (2) to perform such engineering and surveying service as may be required and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, construct new roads or change old

roads, but only when ordered to do so by proper order of the county commission; and (5) to construct and maintain all county roads on the basis of the county as a unit without regard to any district or beat lines.

Section 4. The county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency for all articles, materials, supplies and equipment necessary for the maintenance and construction of roads, highways, bridges and ferries in the county.

Section 5. It shall be the duty of the county commission to fix, from time to time in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of roads, highways, bridges and ferries; and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 6. The county commission shall fix the amount of the salary of the county engineer payable in equal monthly installments from the road and highway funds of the county.

Section 7. Before entering upon his duties, the county engineer shall make and enter into a surety bond in the amount of five thousand dollars (\$5,000.00) payable to the county conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of the county, which may come into his possession or custody. The bond shall be executed by a surety company authorized and qualified to do business in Alabama and be approved by the county commission. The premiums thereon shall be paid by the county.

Section 8. The county engineer shall report on a day-to-day basis to the chairman of the county commission and shall report regularly to the county commission as a whole.

Section 9. The county commission shall furnish the county engineer with an office at the courthouse or elsewhere at the county seat, all necessary office supplies, and with necessary transportation in connection with his duties under this act.

Section 10. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of the county, and he shall be accountable for the same at all times. The county commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment; and the county engineer shall keep on file in his office, at all times, an up-to-date inventory containing a list of all said tools, machinery, equipment and supplies belonging to the county.

Section 11. The authority of the county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repair of public roads, highways, bridges and ferries of the county as may be set aside and appropriated by the county commission. It shall be the duty of the county commission at some meeting in September of each calendar year, or not later than the first meeting in October, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, highways, bridges and ferries of the county for the current fiscal year. Provided, however, the county commission is authorized, from time to time, to increase the amount so allowed to be expended by the county engineer, when such authorization will not conflict with provisions of the general law under the Budget Act, Title 11, chapter 8, of the Code of Alabama 1975. Provided further, that if such funds are presently available and have not heretofore been set aside by the present Pike County commission, immediately upon the passage and approval of this act, it shall be the duty of the county commission to set aside a sufficient portion of said funds for the maintenance of said roads, highways, bridges and ferries until the meeting in September or October.

Section 12. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment and necessary supplies needed for the construction, maintenance or repair of the public roads, highways, bridges and ferries of the county. Said requisitions shall be filed and presented by the chairman of the county commission at its next meeting for the approval of the commission. Provided, however, the chairman shall have full power and authority to make purchases without first obtaining the approval of the commission if the delay caused by the above procedure, in his judgement, might cause an unnecessary and harmful interruption in the operation of the county road system.

Section 13. It shall be the duty of the county engineer to inspect all materials, machinery, equipment and supplies purchased by the county for use on public roads, highways, bridges and ferries when the same is delivered, and the same shall not be accepted and paid for without first having been approved by him.

Section 14. In the event an emergency should arise in which it would be impossible for the county commission to employ an engineer as hereinabove provided for, the county commission shall employ a competent road supervisor who need not be an engineer; but when so employed, he shall have all the duties and authority of the engineer and be subject to the provisions of this act. An emergency shall not exist so long as the state highway director can nominate an engineer who will accept employment by said commission under the terms of this act. It is the intention of this act to provide that

when county roads are to be maintained or constructed in the county, the supervision thereof shall be under either a county engineer or a road supervisor who is not a member of the county commission.

Section 15. The county commission is prohibited from authorizing or performing any work on private property. Any violation of the provisions of this act shall be punishable by a civil fine of not more than \$500.00.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective upon the ratification of a proposed constitutional amendment in the current session of the Alabama legislature which provides for the Pike County Government Modernization. If such amendment is not approved, then the provisions of this act shall become null and void unless resubmitted to the vote of the electorate of Pike County. Such question shall not be resubmitted more frequently than once every two years.

Approved September 29, 1988

Time: 5:15 P.M.

Act No. 88-895

H. 172—Rep. Slaughter

AN ACT

To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment or increase of fees authorized pursuant to this act, including the requirement of a public hearing and the right of the Jefferson County Commission to disapprove the establishment or increase of any fee; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and

to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jefferson County Board of Health is hereby authorized to designate services rendered by the health department under its control for which fees may be charged and to establish the fees to be respectively charged for such services, subject to the disapproval of such fees by the Jefferson County Commission as provided in Section 3 of this act, which authority may be used or not used in accordance with the provisions of this act as and to the extent deemed necessary or desirable by said Board of Health. The services which may be designated pursuant to this act as services for which fees may be charged include, without limitation thereto, (i) inspection and certification services performed in connection with the administration and enforcement of public health and environmental laws and regulations, (ii) health care services provided through out-patient clinics, home health care or other service programs, (iii) the administration of tests to determine the incidence of disease in the population as a whole or among particular groups, (iv) the administration of vaccinations and inoculations against communicable diseases, and (v) the reproduction and certification of documents needed or requested by the public. Upon the designation of services and the establishment of fees therefor by the Jefferson County Board of Health in accordance with the provisions of this act, the said Board of Health is hereby authorized to charge and collect the fees so established for the services so designated. All fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health.

Section 2. All fees established by the Jefferson County Board of Health pursuant to this act shall be reasonable and proportional to the costs of providing the services for which such fees shall be respectively charged, and in no event shall the fee charged for any service exceed the total cost of providing such service (including a reasonable allocation of the general administrative expenses of the Jefferson County Health Department). No fees for any services shall be initially established or subsequently increased by the Jefferson County Board of Health without a public hearing, and notice of such public hearing shall be published at least one time in a newspaper having general circulation in Jefferson County not more than four nor less than two weeks prior to the date of such public hearing. The published notice of such public hearing shall state the intention of the Jefferson County Board of Health to establish or increase fees for the services in question, shall give the date, time and place of the public hearing with respect thereto, and shall contain a description of such services together with a schedule of the fees to be charged

therefor (including an identification of any increases to be made in fees theretofore established).

Section 3. Upon the adoption of a resolution by the Jefferson County Board of Health initially establishing or subsequently increasing any fees for any services, a certified copy of such resolution shall be promptly forwarded to the Jefferson County Commission. The Jefferson County Commission shall have thirty (30) calendar days after the receipt thereof during which it may adopt a resolution disapproving the establishment or increase of such fees, and any fee or increase thereof so disapproved shall not take effect. If the Jefferson County Commission takes no action with respect to the establishment or increase of any fee within thirty (30) days following receipt of the certified copy of the resolution of the Jefferson County Board of Health establishing or increasing such fee, then such fee or increase thereof shall take effect without the need for any action by the Jefferson County Commission and the Jefferson County Commission shall have no further power to disapprove such fee or to require its rescission or reduction. The disapproval of the establishment or increase of any fee by the Jefferson County Commission shall not preclude further action by the Jefferson County Board of Health under this act to reestablish and resubmit to the Jefferson County Commission such previously disapproved fee or any revision thereof, without limitation as to number of resubmissions and on such schedule as the Jefferson County Board of Health shall deem desirable.

Section 4. The Jefferson County Board of Health is hereby authorized to adopt, and to alter from time to time, rules and regulations for the proper implementation and administration of this act that are not inconsistent with the express provisions hereof. Fees for services authorized by this act shall be established, modified and collected in accordance with such rules and regulations as from time to time put into effect by the Jefferson County Board of Health.

Section 5. No person shall be denied any service because that person (or if a minor, the parent or legal guardian of such person) is unable to pay the fee for such service established pursuant to this act. The determination of a person's ability to pay shall be made in confidence and under circumstances that will protect the dignity of the person receiving the service. Using any appropriate standards of ability to pay for health care provided by the United States Government or any agency thereof, the Jefferson County Board of Health may establish a sliding fee scale based on a person's ability to pay. Any provision of this act to the contrary notwithstanding, this act shall not be interpreted or applied to authorize any increase in the fees, if any, that any person may be required to pay for any examination, treatment, vaccination, inoculation or other health care service of any kind that, as of the effective date of this act, is being

provided by the Jefferson County Board of Health if the income of such person or the family to which such person belongs is below the poverty level for residents of the State of Alabama determined from time to time by the United States Government or any agency thereof, unless such increase is required by federal or state law to comply with, or to gain additional benefit from, Medicaid or other governmental health care assistance programs; provided, however, that if the Jefferson County Board of Health incurs increases in the cost of drugs or pharmaceuticals that it sells through its pharmacy operations, and if such cost increases are not defrayed by additional funding from governmental or private sources, then the Jefferson County Board of Health may increase the selling price of such drugs or pharmaceuticals to all persons, regardless of income level, to such extent as may be necessary to recover such cost increases. In the event that the Jefferson County Board of Health has an opportunity to obtain funding from private or governmental sources for new or expanded health care services not being provided as of the effective date of this act, nothing contained in this act shall be interpreted or applied to prevent the Jefferson County Board of Health from charging such fees for such health care services as shall be required by such private or governmental funding sources, provided that the aggregate fees charged for such health care services, together with the funding provided by such private or governmental sources, shall not exceed the cost of providing such health care services.

Section 6. All fees established and collected pursuant to this act shall be retained by the Jefferson County Board of Health, and such fees are hereby appropriated to such Board of Health for use in carrying out its responsibilities to promote and maintain the health of the people of Jefferson County. Fees for services authorized by this act shall be collected and processed in accordance with recommendations made by the Department of Examiners of Public Accounts.

Section 7. This act shall not apply to or affect any fees otherwise authorized, established or collected under state or federal law or regulations. To the extent applicable to Jefferson County, all laws or parts of laws in conflict with this act are hereby repealed.

Section 8. The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 29, 1988

Time: 5:16 P.M.

Act No. 88-896

H. 325—Reps. Knight and Hill

AN ACT

Relating to the Eighteenth Judicial Circuit, in Clay, Coosa and Shelby Counties, providing further for the compensation of the district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the Eighteenth Judicial Circuit, in Clay, Coosa and Shelby Counties, shall receive, in addition to any other compensation and in addition to any other supplement provided by law, an expense and automobile allowance, equal to one percent of annual salary paid by the state to said district attorney per month, to be paid from the District Attorney's Fund or from any funds available to the district attorney of the Eighteenth Judicial Circuit.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1988

Time: 5:17 P.M.

Act No. 88-897

H. 177—Reps. Payne, Rogers, McClain,
Spratt, Newton, Davis, Biddle
and Petelos

AN ACT

Relating to Jefferson County, providing for a subsistence allowance for certain law enforcement officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Any non-elected law enforcement officer, including the sheriff's executive assistant, who is employed by the Jefferson County Sheriff's Department on a full-time basis, shall receive a subsistence allowance of \$8.00 for each working day of a pay period while engaged in the performance of his duties as a law enforcement officer. This allowance shall be in addition to all other compensation, expenses and allowance provided for such officers. Provided, however, that this subsistence allowance shall remain in effect only as long as any portion of the 1/2 percent occupational tax passed by the Jefferson County Commission in ordinance #1120 dated September 29, 1987, remains in effect.

B. This subsistence allowance shall not be subject to any income or other taxes levied by the State of Alabama or the federal government.

C. Provided, however, the provisions of this act shall become null and void upon the repeal in its entirety of Jefferson County ordinance #1120 dated September 29, 1987.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 11:45 A.M.

Act No. 88-898

H. 221—Rep. Box

AN ACT

To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, and 2-313 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1-106, 1-107, 2-104, 2-309 and 2-313 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, appearing respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, and 26-2A-142, of the Code of Alabama 1975, are hereby amended to read as follows:

“Section 1-106. Facility of Payment or Delivery.

“(a) Any person under a duty to pay or deliver money or personal property to a minor may perform the duty, in amounts as provided

in this subsection, by paying or delivering the money or personal property to:

“(1) Any person having the care and custody of the minor and with whom the minor resides;

“(2) A guardian of the minor; or

“(3) The judge of probate of the county in which the minor resides, if a resident of this state, or, if a nonresident, to the judge of probate or like officer of the county in which the debtor or creditor resides.

“Payments under this subsection must not exceed \$5,000 if paid in a single payment, or \$3,000 a year if paid in a series of payments, and payments, by any person other than a conservator or judge, must not exceed a maximum of \$25,000 during the minority of the minor ward. The person obligated to make payment is discharged of that duty or obligation by making the payment or delivery and filing a notice of such payment with the probate judge of the county in which the minor resides, if a resident of this state, or, if a nonresident, with the judge of probate or like officer of the county in which the debtor or creditor resides.

“(b) This section does not apply if the person making payment or delivery has actual knowledge that a conservator has been appointed or proceedings for appointment of a conservator of the estate of the minor are pending.

“(c) Persons, receiving money or personal property for a minor, are obligated to apply the money to the health, support, education or maintenance of the minor, but may not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the minor's support. A person who receives money or personal property for a minor is obligated to preserve the money and personal property, except to the extent necessary for the health, support, education or maintenance of the minor, and any balance not so used and any personal property received for the minor must be turned over to the minor when majority is attained. A person who pays or delivers money or property in accordance with provisions of this section is not responsible for the proper application thereof.

“Section 1-107. Delegation of Powers by Parent or Guardian; Parental Authority.

“(a) A parent who has custody, or a guardian, of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding one year, any power regarding health, support, education or maintenance of the person or property of the minor child or ward, except the power to

consent to marriage or adoption of a minor ward. Temporary 'delegation' of parental powers does not relieve the parent or guardian of the primary responsibility for the minor or incapacitated person.

“(b) The provisions of subsection (a) of this section shall not be used or construed to allow a parent or guardian to thwart or circumvent provisions of chapter 15 of Title 12 and article 2 of chapter 2 of Title 44, Code of Alabama 1975.

“Section 2-104. Court Appointment of Guardian of Minor; Conditions for Appointment.

“(a) The court may appoint a guardian for an unmarried minor if all parental rights have been terminated or suspended by circumstances or prior order of a court having jurisdiction; unless a custodian has been appointed under section 26-18-8, Code of Alabama 1975, or otherwise by the juvenile court when parental rights have been terminated or suspended. A guardian appointed pursuant to Section 2-102 whose appointment has not been prevented or nullified under Section 2-103 has priority over any guardian who may be appointed by the court, but the court may proceed with another appointment upon a finding that the parental nominee has failed to accept the appointment within 30 days after notice of the guardianship proceeding.

“(b) If necessary, and on appropriate petition or application, the court may appoint a temporary guardian who shall have the full authority of a general guardian of a minor, but the authority of a temporary guardian may not last longer than 6 months. The appointment of a temporary guardian for a minor may occur even though the conditions described in subsection (a) have not been established.

“Section 2-309. Who May Be Appointed Conservator; Priorities.

“(a) The court may appoint an individual or a corporation with general power to serve as trustee as conservator of the estate of a protected person. The following are entitled to consideration for appointment in the order listed:

“(1) A conservator, guardian of property, or other like fiduciary appointed or recognized by an appropriate court of any other jurisdiction in which the protected person resides;

“(2) An individual or corporation nominated by the protected person who is 14 or more years of age and of sufficient mental capacity to make an intelligent choice;

“(3) An attorney-in-fact under a valid durable power of attorney previously executed by the protected person and giving the attorney-in-fact reasonably broad powers over the property of the protected person;

“(4) The spouse of the protected person, or a person nominated by the will of a deceased spouse to whom the protected person was married at the decedent’s death and the protected person has not remarried;

“(5) An adult child of the protected person;

“(6) A parent of the protected person, or a person nominated by the will of a deceased parent;

“(7) Any relative of the protected person who has resided with the protected person for more than six months before the filing of the petition;

“(8) A person nominated by one who is caring for or paying benefits to the protected person; and

“(9) A general guardian or sheriff for the county who must be appointed and act as conservator when no other fit person applies for appointment and qualifies.

“(b) A person in priorities (1), (4), (5), (6), or (7) may designate in writing a substitute to serve instead and thereby transfer the priority to the substitute. With respect to persons having equal priority, the court shall select the one it deems best suited to serve. The court, acting in the best interest of the protected person, may pass over a person having priority and appoint a person having a lower priority or no priority.

“Section 2-313. Compensation.

(a) If not otherwise reasonably compensated for services rendered, any court representative, attorney, physician, conservator, or special conservator appointed in a protective proceeding and any attorney whose services resulted in a protective order or in an order that was beneficial to a protected person’s estate is entitled to reasonable compensation from the estate. The conservator shall be allowed from the estate of the protective person all reasonable premiums paid on his bond and reimbursement of any court costs paid.

(b) If not otherwise reasonably compensated for services rendered, any court representative, attorney, physician appointed in a guardianship and any attorney whose services resulted in a guardianship order or in an order that was beneficial to a ward is entitled to reasonable compensation from the estate. The guardian may be reimbursed from the estate of the ward for any court costs paid.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved September 30, 1988

Time: 4:25 P.M.

Act No. 88-899

H. 279—Rep. Box

AN ACT

To amend Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282, Code of Alabama, 1975, so as to create the Secretary of State Corporations Fund, to provide for fees relating to corporations, to provide that the Secretary of State be provided copies of certain corporations filings, and to provide an appropriation from the Secretary of State Corporation Fund for the fiscal year 1988-89.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282 are hereby amended to read as follows:

§ 10-2A-114.

“The articles of amendment and a copy thereof, or if the articles of amendment change the name of the corporation, two copies thereof shall be delivered to the probate judge. If the probate judge finds that the articles of amendment conform to law, and, if the articles of amendment change the name of the corporation, he also finds that the proposed name is then reserved under section 10-2A-26, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the articles of amendment and on the copy or copies thereof the word “Filed,” and the hour, day, month and year of the filing thereof.

(2) File the articles of amendment in his office and certify the copy or copies thereof.

(3) Issue a certificate of amendment to which he shall affix a certified copy of the articles of amendment, and return such certificate of amendment with a certified copy of the articles of amendment affixed thereto to the corporation or its representative.

(4) Within ten days, forward to the secretary of state one certified copy of all articles of amendments which change or alter the name of any corporation.

§ 10-2A-116.

(a) A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

(b) Upon the adoption of such resolution, restated articles of incorporation shall be executed for the corporation by its president or a vice-president and by its secretary or assistant secretary and verified by one of the officers signing such articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the corresponding provision of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

(c) The restated articles of incorporation and two copies thereof shall be delivered to the probate judge. If the probate judge finds that such restated articles of incorporation conform to law, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the restated articles of incorporation and on the copies thereof the word "Filed," and the hour, day, month and year of filing thereof.

(2) File the restated articles of incorporation in his office and certify two copies thereof.

(3) Issue a restated certificate of incorporation, to which he shall affix a certified copy the restated articles of incorporation and return such restated certificate of incorporation with certified copy of the restated articles of incorporation affixed thereto to the corporation or its representative.

(4) Within ten days after the issuance of a restated certificate of incorporation, transmit to the secretary of state a copy of the restated certificate of incorporation with a certified copy of the restated articles of incorporation attached thereto, indicating thereon the place, and time of filing of the restated articles of incorporation.

(d) Upon the issuance of the restated certificate of incorporation, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

§ 10-2A-180.

“(a) A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time in the following manner:

(1) Articles of dissolution shall be executed by a majority of the incorporators, and verified by them, and shall set forth:

- a. The name of the corporation.
- b. The date of issuance of its certificate of incorporation.
- c. That none of its shares has been issued.
- d. That the corporation has not commenced business.
- e. That the amount, if any, actually paid in for subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.
- f. That no debts of the corporation remain unpaid.
- g. That a majority of the incorporators elect that the corporation be dissolved.

(2) The articles of dissolution and two copies thereof shall be delivered to the probate judge. If the probate judge finds that the articles of dissolution conform to law, he shall, when all fees prescribed in this chapter have been paid:

a. Endorse on the articles of dissolution and on each of such copies the word “Filed,” and the hour, day, month and year of the filing thereof.

b. File the articles of dissolution in his office and certify two copies thereof.

c. Issue a certificate of dissolution to which he shall affix a certified copy of the articles of dissolution and return such certificate of dissolution with a certified copy of the articles of dissolution affixed thereto to the incorporators or their representative.

d. Within ten days after the filing of the articles of dissolution, transmit to the secretary of state a certified copy of the articles of dissolution, indicating thereon the place, date and time of filing the articles of dissolution.

(b) Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease.

§ 10-2A-183.

The statement of intent to dissolve and a copy, whether by consent of shareholders or by act of the corporation, shall be delivered

to the probate judge. If the probate judge finds that such statement conforms to law, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the statement of intent to dissolve, the word "Filed," and the hour, day, month and year of the filing thereof.

(2) File the statement of intent to dissolve in his office.

(3) Within ten days after the filing of the statement of intent to dissolve, transmit to the secretary of state a certified copy of the statement of intent to dissolve, indicating thereon the place, date and time of filing the statement of intent to dissolve.

§ 10-2A-191.

"(a) The articles of dissolution and two copies thereof shall be delivered to the probate judge. If the probate judge finds that such articles of dissolution conform to law, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the articles of dissolution and on each of such copies the word "Filed," and the hour, day, month and year of the filing thereof.

(2) File the articles of dissolution in his office and certify two copies thereof.

(3) Issue a certificate of dissolution to which he shall affix a certified copy of the articles of dissolution, and return such certificate of dissolution with the certified copy of the articles of dissolution affixed thereto to the representative of the dissolved corporation.

(4) Within ten days after the issuance of a certificate of dissolution, transmit to the secretary of state a certified copy of the articles of dissolution, indicating thereon the place, date and time of filing of such statement.

(b) Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this chapter.

§ 10-2A-260.

(a) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall file, within the time prescribed by this chapter, and annual report setting forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state, and the name of its registered agent in this state at such

address, and, in case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the business in which the corporation is actually engaged in this state.

(4) The names and respective addresses of the president and secretary of the corporation.

(b) Such annual report shall be made on prescribed forms and the information therein contained shall be given as of the date of the execution of the report. It shall be executed for the corporation by its president, a vice-president, secretary, and assistant secretary, or treasurer, and verified by the officer executing the report, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

(c) The public record information filed with the department of revenue, pursuant to sections 40-14-21 and 40-14-22, shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a \$10.00 fee for the state of Alabama accompany the public record information filed by the corporation annually with the department of revenue. The fee for the annual report shall be deposited in the state treasury to the credit of the secretary of state corporations fund as prescribed by section 10-2A-281, Code of Alabama.

§ 10-2A-261.

Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the fifteenth day of March of each year except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the fifteenth day of March of the year, next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the fifteenth day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the secretary of state finds that such report conforms to the requirements of this chapter, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this chapter and

returned to the secretary of state within 30 days from the date on which it was mailed to the corporation by the secretary of state.

The public record information filed with the department of revenue, pursuant to sections 40-14-21 and 40-14-22, shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a \$10.00 fee for the state of Alabama accompany the public record information filed by the corporation annually with the department of revenue. The fee for the annual report shall be deposited in the state treasury to the credit of the secretary of state corporations fund as prescribed by section 10-2A-281, Code of Alabama.

§ 10-2A-281.

“(a) In lieu of all other charges and fees the probate judge shall charge and collect in accordance with the provisions of this chapter:

(1) Filing articles of incorporation and issuing a certificate of incorporation, \$40.00 for the state of Alabama and \$35.00 for the probate judge.

(2) Filing articles of corrections, \$10.00 for the probate judge.

(3) Filing articles of amendment and issuing a certificate of amendment, \$10.00 for the probate judge, and filing articles of amendment which change or affect the name of a corporation only, \$10.00 for the state of Alabama.

(4) Filing restated articles of incorporation, \$25.00 for the probate judge, and \$10.00 for the state of Alabama.

(5) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, \$50.00 for the state of Alabama and \$25.00 for the probate judge.

(6) Filing an application to reserve a corporate name, \$10.00 for the state of Alabama.

(7) Filing a notice of transfer of a reserved corporate name, \$5.00 for the state of Alabama.

(8) Filing a statement of change of address of registered office or change of registered agent, or both, \$5.00 for the state of Alabama.

(9) Filing a statement of the establishment of a series of shares, \$5.00 for the probate judge.

(10) Filing a statement of cancellation of shares, \$5.00 for the probate judge.

(11) Filing a statement of reduction of stated capital, \$5.00 for the probate judge.

(12) Filing a statement of intent to dissolve, \$5.00 for the probate judge and \$10.00 for the state of Alabama.

(13) Filing a statement of revocation of voluntary dissolution proceedings, \$5.00 for the probate judge.

(14) Filing articles of dissolution, \$5.00 for the probate judge and \$10.00 for the state of Alabama.

(15) Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, \$175.00 for the state of Alabama.

(16) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and including an amended certificate of authority, \$25.00 for the state of Alabama.

(17) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, \$25.00 for the state of Alabama.

(18) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, \$100.00 for the state of Alabama.

(19) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, \$20.00 for the state of Alabama.

(20) Filing an annual report or any other statement or report, of a domestic or foreign corporation, \$10.00 for the state of Alabama.

(b) When appropriate two checks shall accompany the document, one payable to the probate judge for all charges for the probate judge, and one payable to the state of Alabama covering all charges for the secretary of state. The check for the secretary of state will be forwarded by the probate judge to the secretary of state.

(c) There is hereby created in the state treasury a fund to be known and designated as the Secretary of State Corporations Fund. All funds, fees, charges, costs and collections accruing to or collected by the office of the Secretary of State under the provisions of Section 10-2A-281, 10-2A-260, 10-2A-261, or any other fees collected by the secretary of state relating to corporations shall be deposited into the state treasury to the credit of the Secretary of State Corporations Fund except as so provided in section (e).

(d) All funds now or hereafter deposited in the state treasury to the credit of the Secretary of State Corporations Fund shall not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41 of the Code of Alabama, 1975,

and only in the amounts and for the purposes provided by the legislature in the general appropriation bill or this act.

(e) Funds collected by the secretary of state in relation to corporations during the fiscal year shall be deposited to the credit of the state general fund by the following percentages:

1. Fiscal Year 1988-89-35% of total collections for fiscal year 1988-89.

2. Fiscal Year 1989-90-51% of total collections for fiscal year 1989-90.

3. Fiscal Year 1990-91-66% of total collections for fiscal year 1990-91.

4. Fiscal Year 1991-92-77% of total collections for fiscal year 1991-92.

5. Fiscal Year 1992-93 and each fiscal year thereafter-80% of total collections for that fiscal year.

(f) There is hereby appropriated to the Secretary of State Corporations Fund from fees deposited into said fund for the fiscal year ending September 30, 1989 \$881,000.00. Such appropriation shall be in addition to any other appropriations to the office of Secretary of State.

(f) The fees herein imposed for the office of the probate judge shall be charged and paid into the appropriate county treasury or to the probate judge as may be authorized or required by law.

§ 10-2A-282.

“The probate judge shall charge and collect:

(1) For furnishing a certified copy of any document, instrument or paper relating to a corporation, \$1.50 per page and \$1.50 for the certificate and affixing the seal thereto.

“The Secretary of State shall charge and collect:

(1) For furnishing a certified copy of any document, instrument or paper relating to a corporation, \$1.00 per page and \$5.00 for the certificate and affixing the seal thereto.

(2) At the time of any service of process on the secretary of state as resident agent of a corporation, an amount as prescribed pursuant to law or rule of court.

(3) For requests of immediate expedition by the secretary of state regarding document filings, certifications, and certificates in addition to required fees a \$10.00 surcharge shall be imposed.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 30, 1988

Time: 4:28 P.M.

Act No. 88-900

H. 240—Reps. Penry, Marietta, Zoghby
and Box

AN ACT

To amend Section 41-9-341, Code of Alabama, 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the Commission and to amend Section 41-9-349, Code of Alabama, 1975, which relates to the powers of the USS Alabama Battleship Commission, so as to authorize the Commission to lease certain of its lands in furtherance of the purposes for which the Commission was organized.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-341, Code of Alabama, 1975, is hereby amended to read as follows:

“§41-9-341.

No member of the Commission shall receive any pay or emolument for the discharge of his duties. Commission members and employees of the commission shall be reimbursed for actual expenses incurred on behalf of the commission in the development, operation, promotion, and expansion of its programs and activities. All such expenses are to be paid from the funds of the commission.

“It shall be unlawful for any member of the commission or any employee thereof to charge, receive or obtain, either directly or indirectly, any fee, commission, retainer or brokerage out of the funds of the commission, and no member of the commission or officer or employee thereof shall have any interest in any land, materials or contracts sold to or made or negotiated with the commission or with any member or employee thereof acting in his capacity as a member or employee of such commission. Violation of any provision of this

section shall be a misdemeanor and, upon conviction, shall be punishable by removal from membership or employment and by a fine of not less than \$100.00 or by imprisonment not to exceed six months or both."

Section 2. Section 41-9-349, Code of Alabama, 1975, is hereby amended to read as follows:

"§41-9-349.

"The commission shall have the duty and authority to acquire the battleship USS Alabama (BB60) and to select and improve appropriate sites for the permanent or temporary berthing of said vessel, taking into consideration factors, including, but not limited to, the accessibility of same, the location of nearby roads and highways, scenic attractions, esthetic value, cost, cooperation with federal, state, county, municipal and other governmental authorities, protection from the hazards of weather, fire and sea and any other factors which may affect the suitability of such site for the establishment of the ship as a temporary or permanent memorial and exhibit.

The commission may accept public or private gifts, grants and donations for the purposes of this article, may make and enter into contracts with other governmental departments, agencies and boards, either federal, state or municipal, and with private persons and corporations, may transport the ship to and berth the same at temporary and permanent park sites, ready the ship for visitation by the public, establish and provide for a proper charge for admission to the ship and otherwise renovate, maintain and operate the ship as a permanent memorial and exhibit.

The commission shall have full, complete and exclusive jurisdiction over the vessel, the sites and the related exhibits and shall have the power and authority to allocate funds from its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this article, including the power to lease lands of the commission whenever the commission shall find any such action to be in furtherance of the purposes for which the commission was organized, and the authority to pledge revenues from its income from long term leases, future revenues from admissions and any other sources as may from time to time be necessary or desirable."

No lease may be entered into for longer than twenty-five years with option to renew every five year-period thereafter.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:26 P.M.

Act No. 88-901

H. 34—Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one million eight hundred sixty-nine thousand five hundred nineteen dollars (\$1,869,519) out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Special Schools for Special Education and to be distributed by the State Board of Education as follows:

- | | | |
|-----|---|---------|
| (a) | Butler County Training School for the Mentally Retarded in Greenville | 25,875 |
| (b) | Hope Haven School in Colbert County | 35,000 |
| (c) | Montgomery Institute for Neurological Development | 25,875 |
| (d) | Birmingham Training Center for Brain-Injured Children | 36,225 |
| (e) | Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled | 51,750 |
| (f) | Alice Pigman School | 77,625 |
| (g) | Geneva County Day Care and Training Center | 51,750 |
| (h) | McGraw Activity Center | 51,750 |
| (i) | Dallas County Day Care and Training Center | 51,750 |
| (j) | Calhoun County Community - "EDUCATION PAR EXCELLENCE" | 51,750 |
| (k) | North Talladega County Association for Retarded Citizens, Inc. | 25,875 |
| (l) | South Talladega County Association for Retarded Citizens, Inc. | 25,875 |
| (m) | ECHO FOUNDATION | 15,525 |
| (n) | Vivian B. Adams School | 284,625 |

(o)	McInnis School of Montgomery	414,000
(p)	Alan Cott School	103,500
(q)	Alabama Institute for Deaf and Blind	371,769
(r)	Madison Park Hope Center	20,000
(s)	Dee Day School - Cherokee County	25,000
(t)	Clay County Learning Center - Clay County	25,000
(u)	Jackson-DeKalb County Special School for the Retarded at Northeast Junior College	39,000
(v)	Childrens' Hands-On Museum in Tuscaloosa	35,000
(w)	Valley Haven School	25,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. The provisions of this Act are severable. If any section, paragraph, clause, provision, or item of this Act be held unconstitutional, such declaration shall not affect any portion that remains.

Section 4. This act shall become effective on October 1, 1988.

Approved September 30, 1988

Time: 4:27 P.M.

Act No. 88-902

H. 201—Reps. Johnson (RG), Carothers
and White (L)

AN ACT

This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-24, Code of Alabama, 1975, is hereby amended so as to read as follows:

“22-21-24. License - Fees; term; form; nontransferable; posting; renewal; hospital licensable when accredited by joint commission.

The application for a license to operate a hospital shall be accompanied by a standard fee of \$200.00, plus a fee of \$5.00 per bed for each bed over ten beds to be licensed in accordance with regulations promulgated under section 22-21-28. Increase in a hospital's bed capacity during the calendar year is assessed at the standard fee of \$200.00 plus \$5.00 each for the net gain in beds. No fee shall be refunded. All fees received by the state board of health under the provision of this article shall be paid into the state treasury to the credit of the state board of health and shall be used for carrying out the provisions of this article. All licenses issued under this article shall expire on December 31 of the year in which it was issued. All licenses shall be on a form prescribed by said department, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises and may be renewed from year to year upon application, investigation and payment of the required license fee, as in the case of procurement of the original license. All fees collected under this article are hereby appropriated for expenditure by the state health department. All hospitals which are accredited by the joint commission on accreditation of hospitals shall be deemed by the state health department to be licensable without further inspection or survey by the personnel of the state department of health. Further accreditation by the joint commission on accreditation of hospitals shall in no way relieve that hospital of the responsibility of applying for licensure and remitting the appropriate licensure fee as specified in this article."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:28 P.M.

Act No. 88-903

H. 12—Reps. Williams, Carter, Turnham,
Richardson, Junkins, Wright,
Harper and Mathis

AN ACT

To amend Section 16-3-9, Code of Alabama 1975, which provides for the expense allowance for members of the state board of education, so as to increase said allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-3-9, Code of Alabama 1975, is hereby amended to read as follows:

“Section 16-3-9.

“(a) Each member of the state board of education shall be entitled to an expense allowance of \$750.00 per month which shall be in addition to the per diem compensation and actual traveling and other necessary expenses incurred in attending meetings and transacting business of the board, as provided in section 16-3-8. The provisions of sections 36-7-20 through 36-7-23, regulating payment of expenses of state officers and employees traveling on state business, shall not be applicable to members of the state board of education. It is expressly understood that this amount of \$750.00 is paid for travel and other business expenses incurred by the board members which are not covered by the per diem and mileage allowance authorized to be paid to the board members.

“(b) The expense allowance herein provided shall be paid out of the Alabama special educational trust fund in the same manner as other expenses of the state board of education are paid.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:29 P.M.

Act No. 88-904

H. 148—Reps. Turnham, Marks, Warren, Blakeney, Grouby, White (L), Carter, Mikell, Flowers, Johnson (RW), Williams, Logan, Walker, Melton, Junkins, Harvey, Haynes, Higginbotham, Harper, Kennedy, Breedlove, Faulk, Freeman, Drake, Venable, Hammett, Zoghby, Coburn, McMillan, Rains, Burke, Turner, Bowling, Grayson, Buskey (JL), Johnson (RG), Laird, Layson, Clark (W), Bryant, Thomas, Frazier, Poole, Mathis, Willis,

Hogan, Fuller, Blake, White (G),
 Hooper, McKee, Carothers,
 Marietta, Curry, Beasley, Cosby,
 Ford, Moon, Perdue, Wright,
 McClain, Starkey, Goodwin,
 Seibels, Newman, Gray, Petelos,
 Spratt, McDowell, Beers, Payne,
 Hamilton, Campbell and Penry

AN ACT

To provide that any member of the teachers' or employees' retirement system of Alabama not presently covered by a provision to convert unused sick leave into membership service for purposes of service retirement may do so under the provisions of §36-26-36.1 provided that no employee of an employer participating pursuant to §36-27-6 of the Code of Alabama 1975 shall be entitled to the benefits provided in this act unless such employer elects to come under the provisions of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. §36-26-36.1 of the Code of Alabama is hereby amended to read as follows:

“§36-26-36.1.

“Any member of the teachers' or employees' retirement system of Alabama not otherwise covered by a provision to convert unused sick leave into membership service for purposes of service retirement may, at their option and in lieu of receiving payment for 50 percent of their accrued and unused sick leave at the time of their retirement as provided in section 36-26-36, or any other payment that may be provided for such unused sick leave, use their accrued sick leave, up to a maximum number of accrued sick leave days allowed by law to be included as membership service in determining the total years of creditable service in the employees retirement system of Alabama or the teachers' retirement system of Alabama; provided that no employee of an employer participating in the employees' retirement system pursuant to section 36-27-6 of the Code of Alabama of 1975 shall be entitled to the benefits provided herein unless such employer shall elect to come under the provisions of this section and further elects to fund the benefits provided herein. Unused sick leave may be converted to membership service only for the purpose of applying for service retirement and may be considered in the determination of eligibility for retirement. Said conversion shall not apply to eligibility for deferred retirement. It is further provided that if an employee eligible for service retirement is also eligible for disability retirement such employee may elect disability retirement and also receive credit for accumulated sick leave pursuant to this section. No employee shall receive both service credit provided for by this section and payment or partial payment for accrued sick leave pursuant any other provision of law.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:30 P.M.

Act No. 88-905

H. 8—Rep. Campbell

-AN ACT

To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-383, 10-4-387, 10-4-389, and 10-4-403 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders; to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue and to permit licensed medical and dental professionals to be allowed to be shareholders in the same professional corporation; permit professional associations in existence December 31, 1983 to continue to use the name professional associations or the abbreviation P.A.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Sections 10-4-483, 10-4-387, 10-4-389, and 10-4-403 of the Code of Alabama (1975) as amended are hereby amended to read as follows:

§10-4-383. Purposes for which professional corporations may be organized.

Domestic professional corporations may be organized under this article only for the purpose of rendering professional services and services ancillary thereto within a single profession, except that, the same professional corporation or not-for-profit professional corporation may render both medical and dental services, provided that in the case of a professional corporation, at least one shareholder of such professional corporation is a duly licensed medical professional and at least one shareholder is a duly licensed dental professional at the time both services are rendered, and each shareholder is a duly licensed medical or dental professional, or, in the case of a not-for-profit professional corporation, all of the professional services rendered by such corporation are rendered by duly licensed medical professionals and duly licensed dental professionals.

§10-4-387. Corporate name.

The name of a domestic professional corporation or of a foreign professional corporation authorized to transact business in Alabama:

(a) Shall contain the words "professional corporation" or the abbreviation "P.C."; provided, however, any such unincorporated

professional association in existence on December 31, 1983, may continue to use the name "professional association" or the abbreviation "P.A.".

(b) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than the purposes contained in its articles of incorporation;

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation or professional association existing under the laws of Alabama or any foreign corporation authorized to transact business in Alabama, or a name the exclusive right to which is, at the time, reserved in the manner provided in the Alabama Business Corporation Act, or the name of a corporation which has in effect a registration of its corporate name as provided in the Alabama Business Corporation Act except that this provision shall not apply if:

(1) Such similarity results from the use in the corporate name of the personal names of its shareholders or former shareholders or of individuals who were associated with a predecessor entity or, in the case of a not-for-profit corporation, the use of the names of some or all of its members; or

(2) The applicant files with the secretary of state either of the following: (A) the written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name, or (B) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in Alabama.

The name of a professional corporation, domestic or foreign, shall not be considered deceptively similar to that of another professional corporation if it is distinguished therefrom by a geographic designation.

(d) Shall otherwise conform to any rule promulgated by a licensing authority having jurisdiction of a professional service described in the articles of incorporation of such corporation.

§10-4-389. DEATH OR DISQUALIFICATION OF A SHAREHOLDER

(a) Upon the death of a shareholder of a domestic professional corporation or if a shareholder of a domestic professional corporation becomes disqualified person or if shares of a domestic professional corporation are transferred by operation of law or court decree to a disqualified person, the shares of such deceased shareholder or of such disqualified person may be transferred to a qualified person and,

if not so transferred, shall be purchased or redeemed by the domestic professional corporation to the extent of funds which may be legally made available for such purchase.

(b) If the price for such shares is not fixed by the articles of incorporation or bylaws of the domestic professional corporation or by private agreement, the domestic professional corporation, within six months after such death or thirty days after such disqualification or transfer, as the case may be, shall make a written offer to pay for such shares at a specified price deemed by such domestic professional corporation to be the fair value thereof as of the date of such death, disqualification or transfer. Such offer shall be given to the executor or administrator of the estate of a deceased shareholder or to the disqualified shareholder or transferee and shall be accompanied by a balance sheet of the domestic professional corporation, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such domestic professional corporation for the twelve months' period ended on the date of such balance sheet.

(c) If within thirty days after the date of such written offer from the domestic professional corporation the fair value of such shares is agreed upon between such disqualified person and the domestic professional corporation, payment therefor shall be made within ninety days, or such other period as the parties may fix by agreement, after the date of such offer, upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the disqualified persons shall cease to have any interest in such shares.

(d) If within thirty days from the date of such written offer from the domestic professional corporation, the disqualified person and the domestic professional corporation do not so agree, then either party may commence a civil action in the circuit court in the county in Alabama where the registered office of the domestic professional corporation is located requesting that the fair value of such shares be found and determined. The disqualified person, wherever residing, shall be made a party to the proceeding as an action against his shares quasi in rem. Service shall be made in accordance with the rules of civil procedure. The disqualified person shall be entitled to judgment against the domestic professional corporation for the amount of the fair value of his shares as of the date of death, disqualification or transfer upon surrender to the domestic professional corporation of the certificate or certificates representing such shares. The court may, in its discretion, order that the judgment be paid in such installments and with such interest and on such terms as the court may determine. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision

on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof.

(e) The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date of death, disqualification or transfer.

(f) The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the domestic professional corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against the disqualified person if the court shall find that the action of such disqualified person in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers and a reasonable attorney's fee but shall exclude the fees and expenses of counsel for and of experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the domestic professional corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to the disqualified person such sum as the court may determine to be reasonable compensation to any expert or experts employed by the disqualified person in the proceeding.

(g) If a purchase, redemption, or transfer of the shares of a deceased or disqualified shareholder or of a transferee who is a disqualified person is not completed within twelve months after the death of the deceased shareholder or twelve months after the disqualification or transfer, as the case may be, the domestic professional corporation shall forthwith cancel the shares on its books and the disqualified person shall have no further interest as a shareholder in the domestic professional corporation other than his right to payment for such shares under this section.

(h) Shares acquired by a domestic professional corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held, cancelled or disposed of by such domestic professional corporation as in the case of other treasury shares.

(i) This section shall not be deemed to require the purchase of shares of a disqualified person where the period of such disqualification is for less than twelve months from the date of disqualification or transfer.

(j) Any provision regarding purchase, redemption or transfer of shares of a domestic professional corporation contained in the articles of incorporation, bylaws or any private agreement shall be specifically enforceable in the courts of Alabama.

(k) Nothing herein contained shall prevent or relieve a domestic professional corporation from paying pension benefits or other deferred compensation for services rendered to or on behalf of a former shareholder as otherwise permitted by law.

(l) A domestic professional corporation may purchase its own shares from a disqualified person without regard to the availability of capital or surplus for such purchase; however, no purchase of or payment for such shares shall be made at a time when the domestic professional corporation is insolvent or when such purchase or payment would make it insolvent.

(m) The foregoing provisions of this section shall not apply to a domestic not-for-profit professional corporation. Any member of such a corporation who becomes a disqualified person must cease being a member not more than twelve months after the date of disqualification, if he is then a disqualified person.

§10-4-403. APPLICATION TO EXISTING CORPORATIONS

(a) The provisions of this Article shall apply to all existing corporations organized under Article 11 of Chapter 4, Title 10, Code of Alabama; provided, that any professional corporation, or not-for-profit corporation, in existence on December 31, 1983, in which duly licensed medical and dental professionals are shareholders, or in the case of a not-for-profit professional corporation, render medical and dental services, shall be deemed to be in compliance with Sections 10-4-383 and 10-4-385, Code of Alabama, (1975), as amended, and other applicable provisions of the Revised Professional Corporation Act. The repeal of a prior act by this Article shall not impair, or otherwise affect, the organization or continued existence of an existing domestic professional corporation nor the right of any foreign professional corporation presently qualified to render professional services in Alabama to continue to do so without again qualifying to render professional services in Alabama.

(b) Any unincorporated professional association organized under Title 10, Article 10, Code of Alabama may become subject to the provisions of this Article by amending its articles of association as articles of incorporation in compliance with this Article, and filing duly executed duplicate originals of such articles of incorporation with the probate judge of the county in which its articles of association were filed.

(c) Any domestic not-for-profit corporation rendering professional services may become subject to the provisions of this Article by amending its articles of incorporation in compliance with this Article and filing duly executed duplicate originals of such articles with the probate judge of the county in which its articles of incorporation were filed.

(d) The provisions of this Article shall not apply to any unincorporated professional association now in existence under Title 10, Chapter 10, Code of Alabama or to any domestic not-for-profit corporation rendering professional services unless such association or not-for-profit corporation voluntarily becomes subject to this Article as herein provided and nothing contained in this Article shall alter or affect any existing or future right or privilege permitting or not prohibiting performance of professional services through the use of any other form of business organization.

SECTION 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 3. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 30, 1988

Time: 4:31 P.M.

Act No. 88-906

H. 9—Rep. Campbell

AN ACT

To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. Foreclosure by Power of Sale—Definitions.

Unless the context otherwise requires, the words defined in this section shall have the following meanings when they appear in this article.

(1) **Mortgage.** Any mortgage, deed of trust, or any other instrument intended to secure the payment of money, such as an instrument which includes a vendor's lien.

(2) **Mortgagee.** All mortgagees, grantees or creditors in any mortgages, any trustees under deeds of trust, or any persons entitled to the money secured by any instrument intended to secure the payment of money such as an instrument which includes a vendor's lien.

Section 2. Foreclosure by Power of Sale.

Where a power to sell lands is given in any mortgage, the power is part of the security and may be executed by any person, or the personal representative of any person who, by assignment or otherwise, becomes entitled to the money thus secured. A conveyance of the lands sold under such power of sale to the purchaser at the sale may be executed by the mortgagee, their agents, attorneys or any person making the sale. Such conveyance vests the legal title of the lands sold under the power of sale to the purchaser at the sale. Probate judges shall index foreclosure deeds by the names of the original grantor and grantee in the mortgage, deed of trust or other conveyance intended to secure the payment of money, and also by the names of the grantor and grantee in the foreclosure deed.

Section 3. Notice of Sale—Minimum Standards.

Notice of said sale shall be given in the county where said land is located.

Notice of all sales under this article shall be given by publication once a week for three successive weeks in a newspaper published in the county or counties in which such land is located. If there is land under the mortgage in more than one county the publication is to be made in all counties where the land is located. The notice of sale must give the time, place and terms of said sale, together with a description of the property.

If no newspaper is published in the county where the lands are located, the notice shall be placed in a newspaper published in an adjoining county. The notice shall be published in said adjoining county for 3 successive weeks.

Section 4. Method of Conducting Foreclosure by Power of Sale.

The power to sell lands under this article must be exercised at the appropriate courthouse door considered the front or main door to the courthouse, of the county where the mortgaged land or a substantial and material part thereof, is located.

The sale shall be held between the hours of eleven a.m. and four p.m. on the day designated for the exercise of the power to sell the land.

Section 5. Successive Sales Under Power Permitted.

The sale of any part of the property conveyed by mortgage, deed of trust, or other instruments intended to secure the payment of money, either under a power of sale contained in a mortgage, or by a judicial foreclosure, shall operate as a foreclosure of the mortgage only as to the property sold, and if the mortgage indebtedness is not

thereby satisfied in full, the other property contained in the mortgage continues as security for the mortgage debt and there may be a further foreclosure of the mortgage, either by sale under power of sale or by foreclosure.

Every power of sale contained in mortgages unless otherwise expressly provided therein, is held to give a continuing power of sale authorizing the mortgagee or his assignee after default, to sell the mortgaged property from time to time in separate lots or parcels.

Section 6. Law Governing Applicability.

Mortgages executed prior to January 1, 1989 shall be governed by Article 1 of Chapter 10, Title 35, Code of Alabama.

This law shall apply only to mortgages executed after December 31, 1988.

Section 7. Effective Date.

This act shall become effective January 1, 1989.

Section 8. Severability.

If any provisions of this Act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end provisions of this Act are severable.

Approved September 30, 1988

Time: 4:32 P.M.

Act No. 88-907

H. 219—Reps. Buskey (JL), Bryant,
Hooper and Melton

AN ACT

To prohibit any state or county inmate from being employed by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff, or for any business one-third or more of which is owned by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff; and to provide a misdemeanor penalty.

Be It Enacted by the Legislature of Alabama:

Section 1. No state or county inmate shall be employed by or do any work for:

- (1) Any district attorney, any judge, or any sheriff; or

(2) Any parent, sibling, or child of any district attorney, any judge, or any sheriff; or

(3) Any business one-third or more of which is owned by any district attorney, any judge, or any sheriff, or any parent, sibling, or child of any district attorney, any judge, or any sheriff.

Section 2. Nothing in this act shall be construed to prevent any state or county inmate from being employed by or doing work for the state or any political subdivision of the state or for any governmental agency or entity.

Section 3. Any person who violates this act shall be guilty of a Class A misdemeanor and shall be punished as provided by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:33 P.M.

Act No. 88-908

H. 133—Reps. Haynes and Moon

AN ACT

To amend Sections 17-13-7, 17-16-35, 17-16-36, 17-17-2, 17-19-4, and 17-20-3, Code of Alabama, 1975, relating to the reporting of election results to the secretary of state so as to stipulate that the results will be reported by precincts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-13-7, Code of Alabama, 1975, is hereby amended to read as follows:

“17-13-7.

“The board of supervisors must, as soon as they have ascertained the result of an election, make on blanks furnished by the secretary of state certificates stating the exact number of votes cast in the county by precincts for each person voted for and the office for which such person was voted for, and file the certificates with the judge of probate who must immediately forward such certificate as to all members of the legislature and to all civil officers who are to be commissioned by the governor, except the attorney general, auditor,

secretary of state, treasurer and commissioner of agriculture and industries, to the secretary of state.”

Section 2. Section 17-16-35, Code of Alabama, 1975, is hereby amended to read as follows:

“17-16-35.

“The county executive committee of the party or parties participating in said primary election shall meet at the courthouse of its county, not later than noon on Wednesday next following said primary election, and receive said returns, canvass and tabulate the same, by precincts, and publicly declare the results thereof. The chairman of each county executive committee shall forthwith and, not later than noon on the Friday next following said primary election, certify and return to the chairman of the state executive committee a statement and tabulation, by precincts, of the result of said primary election and of the number of votes received by each candidate therein for office, except candidates for county office. Not later than noon on the Monday next following such primary election, the state executive committee, or such subcommittee thereof as may have been appointed by the chairman thereof for such purpose, shall meet at the state Capitol in Montgomery and receive said returns, canvass and tabulate the same by counties and publicly declare on that day the results thereof as to all candidates for office therein, except candidates for county office, which results shall be final. The state executive committee or such subcommittee as provided in this section shall also provide the secretary of state with the primary election returns by precincts according to county on a form authorized by the secretary of state on the Monday next following the primary election, county and municipal returns excepted.”

Section 3. Section 17-16-36, Code of Alabama, 1975, is hereby amended to read as follows:

“17-16-36.

“(a) At the respective meetings of the respective executive committees, said county executive committee shall, as to candidates in said primary election for office, except candidates for county office, publicly ascertain, determine and declare whether any candidate for office in said primary election has received a majority of the votes cast for the office, and, if so, declare said candidate the nominee of the party for the office for which he was a candidate and for which he received a majority of the votes cast for that office in said primary election.

(b) If no candidate receives a majority of all of the votes cast in such primary election for any one office or offices for the nomination to which there were more than two candidates, then there

shall be held a second primary election on the third Tuesday next thereafter following said primary election, and the chairman of the state executive committee shall certify to the secretary of state, immediately upon the completion of such canvass as aforesaid, the names of the two candidates of his party to receive the highest number of votes in the first primary election for such office or offices, except county officers, and who are to be voted for in the second primary election. The chairman of each county executive committee shall, immediately upon the completion of such canvass, certify to the probate judge of the county the names of the two candidates who received the highest number of votes in the first primary for nomination to any county office. The secretary of state shall, within not more than six days from the date said certificate is received from the chairman of the state executive committee, certify to the probate judge of any county where a second primary election is to be held the name or names of the candidates certified to him as herein provided by the chairman of the state executive committee. The probate judge of each county in Alabama shall in the manner and form as required by this chapter and the general laws of Alabama, have prepared and printed all election supplies and all ballots to be voted in the second primary election, which ballots shall contain, under appropriate headings or titles of the offices to be filled, the names of the two candidates for each office so certified to him by the secretary of state and the chairman of the county executive committee, as herein required, as well as such other matters as are required by this chapter and the general laws of Alabama, on ballots for the first primary election.

(c) At the second primary election, no person can be a candidate except the two persons who receive the highest number of votes for the offices for which they were candidates in the first primary election.

(d) The returns from the second primary election shall be made and the votes canvassed, tabulated and certified and the results declared in the same manner provided in this chapter for making, canvassing, tabulating, certifying and declaring the results of the first primary election. The county executive committee of the parties participating in said primary election shall meet at the courthouse of their respective counties not later than Wednesday next following the second primary election and receive said returns, canvass and tabulate the same by precinct and publicly declare the results thereof. The chairman of each county executive committee shall forthwith, and not later than noon on the Friday next following said primary election, certify and return to the chairman of the state executive committee a statement and tabulation by precincts of the results of the second primary election and of the number of votes received by each candidate for office therein voted for except candidates for county office. Not later than noon on the Monday next following

the second primary election, the state executive committee, or such subcommittee thereof as may have been appointed by the chairman thereof for such purpose, shall meet at the state Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties, and publicly declare on that day the result thereof as to all candidates voted for, except as to candidates for county office which results shall be final. At said respective meetings of said respective executive committees, said county executive committee shall, as to candidates for county office voted for in the second primary election, and said state executive committee shall, as to candidates for office in the second primary election voted for therein, except candidates for county office, publicly ascertain and determine the candidates receiving a majority of all of the votes cast in such second primary election for any one office, and the candidates so ascertained and determined to have received a majority of all of the votes cast in such second primary election for said office shall be declared the nominee of the party for such office by said respective county and state executive committees. Thereupon and immediately upon the completion of such canvass as aforesaid, the chairman thereof shall certify to and file with the probate judge of his county the names of those who have been nominated in the first or the second primary election or as otherwise authorized or provided by this chapter, as candidates of his party for county offices; and in like manner, and immediately upon the completion of such canvass, as aforesaid by the state executive committee, or subcommittee thereof, the chairman of the state executive committee shall certify to and file with the secretary of state the names of those who have been nominated in the first or second primary election or as otherwise authorized or provided by this chapter as candidates of his party for office, except candidates for county office, and the names of the persons so certified shall be placed upon the official ballot of the general election to be held in November next thereafter as the candidates of the party for the offices for which they, respectively, have been so nominated.

(e) The state executive committee or such subcommittee as provided in this section shall also provide the secretary of state with the second primary election returns by precincts according to county on a form authorized by the secretary of state on the Monday next following the secondary primary, county and municipal returns excepted."

Section 4. Section 17-17-2, Code of Alabama, 1975, is hereby amended to read as follows:

"17-17-2.

"The board of supervisors shall ascertain the number of votes given in their respective counties for and against the proposed amendment when ascertaining the vote given for officers. The returning

officers of such county shall thereupon make returns of such vote, by precincts, to the secretary of state immediately, together with a certificate, prepared from the poll lists of the total number of qualified electors in said county who voted at such election."

Section 5. Section 17-19-4, Code of Alabama, 1975, is hereby amended to read as follows:

"17-19-4.

"In all elections for electors for President and Vice President, the board of supervisors of each county must, within five days after making the statement of the county vote by precincts, return the result of the same to the secretary of state."

Section 6. Section 17-20-3, Code of Alabama, 1975, is hereby amended to read as follows:

"17-20-3.

"In all elections for representatives in Congress, the board of supervisors of each county must, within five days after making the statement of the county vote by precincts, return the result of the same to the secretary of state."

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:34 P.M.

Act No. 88-909

H. 142—Reps. Crow, Richardson, Mikell,
Breedlove, Willis, Hogan,
McKee, Curry, Hooper, Gray,
McDowell, Gaston, White (G),
Seibels and Beasley

AN ACT

To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.75

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-4, Code of Alabama 1975, is hereby amended to read as follows:

“Section 32-7-4.

“The director shall upon request furnish any person an abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicle, if any, registered in the name of such person, and, if there shall be no record of any convictions of such person of violating any law relating to the operation of a motor vehicle or any injury or damage caused by such person, the director shall so certify. The director shall collect for such abstract the sum of \$5.75.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:35 P.M.

Act No. 88-910

H. 16—Reps. Starkey, Dillard, Brooks,
Hamilton, Freeman, Grayson,
Marks, Richardson and
Bowling

AN ACT

To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37-1-47 is hereby amended to read as follows:

§37-1-47. When, in any proceeding before the interstate commerce commission, federal communications commission, federal power commission, security and exchange commission or any other federal bureau or agency, any interstate rate or regulation or any interstate rate, charge, regulation, rule or practice in the state of Alabama is drawn in question or affected, the commission may through its members or agents intervene in such case, take part therein and make such contentions as it shall deem proper.

The commission additionally may, through its members or agents, initiate or participate in, as a real party in interest or as a permissive party with a recognized interest in the outcome, any litigation, administrative hearings or any other proceedings before the interstate commerce commission, federal communications commission, federal power commission, security and exchange commission, Tennessee Valley Authority or any other federal bureau, agency or instrumentality whenever deemed in the best interest of the utility ratepayers in Alabama.

Nothing in this section shall be deemed to permit such intervention, initiation, or participation in any litigation, hearings, or proceedings involving municipal utilities, cooperatives, electric membership corporations, and other similar membership corporations, including specifically, but not by way of limitation, those such entities referred to in chapters 50 and 50A of Title 11, chapters 6 and 7 of Title 37, and chapter 7 of Title 39, Code of Alabama 1975, as amended.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:35 P.M.

Act No. 88-911

H.J.R. 163—Rep. Haynes

HOUSE JOINT RESOLUTION

COMMENDING C. J. HALLMARK FOR DISTINGUISHED SERVICE WITH THE TALLADEGA COUNTY SHERIFF'S DEPARTMENT.

WHEREAS, the Alabama Legislature notes with commendation and esteem the distinguished service rendered by C. J. "Skippy" Hallmark with the Talladega County Sheriff's Department since 1979; and

WHEREAS, shortly after joining the department, Skippy Hallmark attained the rank of Sergeant and is retiring September 30, 1988, as Deputy Sheriff; and

WHEREAS, Deputy Sheriff Hallmark, who previously served from 1971 to 1979 with the Talladega Police Department, has indeed distinguished himself as an outstanding law enforcement officer and one whose unblemished record is worthy of highest praise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the citizens of Talladega County, we hereby commend Deputy Sheriff C. J. "Skippy" Hallmark, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

Approved September 30, 1988

Time: 4:36 P.M.

Act No. 88-912

H.J.R. 142—Rep. Breedlove

HOUSE JOINT RESOLUTION

COMMENDING LILLIAN PUGH ANDREWS FOR DISTINGUISHED SERVICE AND ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation the notable accomplishments and contributions in service to others of Lillian Pugh Andrews, Jackson, Alabama; and

WHEREAS, we most particularly note the recent selection of Mrs. Andrews for 1988 induction into the Alabama Senior Hall of Fame, a prestigious honor in recognition of Mrs. Andrews' service of long standing and of great benefit to the lives of our older citizens; and

WHEREAS, Mrs. Andrews, who served as chairman of the Alabama Commission on Aging during the four years of Governor Fob James' administration, also has served as president of the Alabama Department of the American Legion Auxiliary, as director of Alabama Girls State for more than 30 years and, in 1964-1965, served as the first and only national president of the American Legion Auxiliary from the State of Alabama; and

WHEREAS, she further is a past president of the Jackson Hospital Auxiliary and United Methodist Women for the First United Methodist Church of Jackson; a Past Worthy Matron, Order of the Eastern Star; and a past chairman of the Jackson Library Board and former Regent, Daughters of the American Revolution, among numerous other high offices and positions of leadership; and

WHEREAS, Lillian Pugh Andrews, in addition to Alabama Senior Hall of Fame recognition, also is the recipient of numerous other awards, honors, and accolades including Huntingdon College's Board of Distinguished Guests and the college's Hall of Fame, Alabama Woman of the Year by United Press International, Society of the Golden Key by her Alma Mater, Livingston University, as well as said University's National Alumni Association designation as Most Outstanding Alumnus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Lillian Pugh Andrews of Jackson, Alabama, for outstanding achievement and service to community, state and nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Andrews that she may know of our sincere regard and of our heartiest congratulations on her selection to the Alabama Senior Hall of Fame.

Approved September 30, 1988

Time: 4:36 P.M.

Act No. 88-913

H.J.R. 173—Reps. Butler, Hall, Freeman, Grayson, Brooks, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson,

Lindsey, Logan, McClain,
 McDowell, McKee,
 McMillan, Marietta, Marks,
 Mathis, Melton, Mikell,
 Moon, Newman, Newton,
 Parker, Payne, Penry,
 Perdue, Petelos, Poole,
 Rains, Reed, Richardson,
 Rogers, Seibels, Slaughter,
 Spratt, Starkey, Thomas,
 Turner, Turnham, Venable,
 Walker, Warren, White (F),
 White (G), White (L),
 Williams, Willis, Wright
 and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING OUR COLLEAGUE REPRESENTATIVE
 STEPHEN R. HETTINGER OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Stephen R. Hettinger upon his recent election to the Office of Mayor of the City of Huntsville, Alabama; and

WHEREAS, Mr. Hettinger, representing a portion of Madison County, has served with distinction as a member of the House of Representatives since 1982; and

WHEREAS, he presently serves as Chairman of the House Local Government Committee and as a member of the Judiciary Committee; he has served as a member of the Banking Committee each of his three terms and as a member of the House Commercial and Industrial Development and Highway Safety Committees; and

WHEREAS, with his selfless devotion and his tireless efforts in many spheres of activity dedicated to the welfare and progress of this State, Mr. Hettinger has been a credit to this body and to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest praise of our colleague, Stephen R. Hettinger of Huntsville, Alabama, for outstanding achievement, and further extend sincere best wishes for his every future success in life.

BE IT FURTHER RESOLVED, That Mr. Hettinger receive a copy of this resolution executed in deep appreciation, admiration and esteem.

Approved September 30, 1988

Time: 4:37 P.M.

Act No. 88-914

S. 222—Senator Bennett

AN ACT

Relating to Franklin County; authorizing and providing for the incorporation of the Franklin County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The Franklin County Water Coordinating and Fire Prevention Authority, a public corporation organized pursuant to the provisions of this act.

(2) **BOARD.** The board of directors of the Franklin County Water Coordinating and Fire Prevention Authority.

(3) **BONDS.** Bonds, notes and certificates representing an obligation to pay money.

(4) **CONCISE LEGAL DESCRIPTION.** A reasonably concise description of a particular geographic area which may be by metes and bounds or by reference to government surveys, recorded maps and plats, municipal, county or state boundary lines, well-defined landmarks and other monuments or any combination of the foregoing.

(5) **COUNTY.** Franklin County.

(6) **DIRECTOR.** A member of the board of directors of the Franklin County Water Coordinating and Fire Prevention Authority.

(7) **FIRE PROTECTION SERVICE.** All services involved in protecting property and life from fires, including but not limited to discovering, ascertaining, extinguishing, preventing the spread of or fighting fires or inspecting property for fire hazards or any part or combination thereof. The supplying of water for use in the rendition of fire protection service and the installation and maintenance of fire hydrants shall be deemed to constitute fire protection service.

(8) **INCORPORATORS.** The persons forming a public corporation organized pursuant to the provisions of this act.

(9) **MUNICIPALITY.** An incorporated city or town of Franklin County.

(10) **NEW TERRITORY.** Any territory added, by amendment to the certificate of incorporation of an authority, to the area or areas in which that authority is authorized to render water service, fire protection service or any thereof.

(11) **PERSON.** Unless limited to a natural person by the context in which it is used, such term includes a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

(12) **PROPERTY.** Real and personal property and interests therein.

(13) **PUBLIC WATER SYSTEM.** A water system which is owned or operated by the United States of America, the state, a county, a municipality, a public corporation organized under the laws of the state, any combination of any thereof or any agency or instrumentality of any one or more thereof or in which any one or more thereof or any agency or instrumentality of any one or more thereof holds a reversionary or remainder interest.

(14) **SERVICE AREA.** The geographic area or areas in which the authority is authorized by its certificate of incorporation or any amendment thereto to render water and fire protection service, or any thereof, which area may include not only territory located outside the boundaries of any municipality but also territory located within the boundaries of one or more municipalities.

(15) **STATE.** The state of Alabama.

(16) **WATER SERVICE.** The providing, furnishing supplying or distributing of water and the performing of all of the functions and activities reasonably incident to the operation of a water system.

(17) **WATER SYSTEM.** Land, plants, systems, facilities, buildings and other property, or any combination of any thereof, which are used or useful or capable of future use in providing, furnishing, supplying or distributing water, including but not limited to water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, meters, valves, fire hydrants and all necessary appurtenances and equipment, and all properties, rights, easements and franchises deemed necessary or desirable by the authority for use in rendering water service.

Section 2. This act is intended to aid the state and county in the execution of its duties by providing an appropriate and independent instrumentality of the state and of the county with full and adequate powers to fulfill its functions. It is the further legislative intent that the Franklin County Water Coordinating and Fire Prevention Authority develop a master plan of operation for the water authority in consultation with all existing water authorities in and adjoining Franklin County and any county or local governments for the purpose of bringing about industrial development and economic expansion in the county as well as ensuring the health and safety of all citizens.

Section 3. (a) Three applicants shall be appointed to proceed to incorporate the Franklin County Water Coordinating and Fire Prevention Authority by filing for record in the office of the judge of probate of the said county a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner provided in this section. Said applicants shall be appointed as follows: One applicant shall be appointed by the state senator who represents the senatorial district in which Franklin County is located; one applicant shall be appointed by the members of the House of Representatives representing Franklin County; and one applicant shall be appointed by the Franklin County commission.

(b) The certificate of incorporation of the authority shall state:

(1) The names of the persons forming the authority, together with the residence of each, and that each of them is a resident of and an owner of real property in the area of Franklin County in which the authority proposes to render water service and available water for fire protection purposes and that each of them is a duly qualified elector of said county;

(2) The name of the authority shall include the words "Franklin County Water Coordinating and Fire Prevention Authority";

(3) The period for the duration of the authority;

(4) The name of the county in which incorporated, together with the date;

(5) The location of the principal office of the authority, which shall be in Franklin County;

(6) Matters relating to participation by citizens in the Franklin County Water Coordinating and Fire Prevention Authority and the existence of any connection fees, meter fees, user fees and rates and provisions for any changes therein;

(7) A concise legal description of the area or areas in which the authority proposes to render water service and certain fire protection facilities;

(8) The statement that a master plan shall be developed for the authority; and

(9) Any other matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds.

(d) When the certificate of incorporation is filed for record, there shall be attached to it a certificate by the secretary of state that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

(e) The judge of probate shall promptly examine all such documents. If he shall find that all such documents are complete and regular on their face and that the form and contents of the certificate of incorporation comply with the provisions of this act, the judge of probate shall enter and sign an order setting forth his findings and requiring all such documents to be recorded, together with his order.

Upon the filing for record of the said order and the documents referred to therein, the authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation.

(f) The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the authority has been filed for record.

Section 4. (a) The certificate of incorporation of the authority incorporated under the provisions of this act may at any time and from time to time be amended in the manner provided in this section.

(b)(1) The board of directors of the authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include;

a. A change in the name of the authority;

b. The addition to the service area of the authority of new territory lying within Franklin County;

c. Provisions for the operation of a system or facility the operation of which is not then provided for in the certificate of incorporation of the authority and which the authority is authorized by this act to operate;

d. Any matters which might have been included in the original certificate of incorporation; and

e. Provisions for the addition to the service area of the authority of new territory lying outside Franklin County, together with the related provisions referred to in paragraphs a, b, c and d of subdivision (2) of this subsection.

(2) If any proposed amendment would add to the service area of the authority new territory any part of which lies within any county other than Franklin County, such proposed amendment shall include, in addition to a concise legal description of the proposed new territory and any other matters permitted by the foregoing provisions of subdivision (1) of this subsection:

a. Provision for election of at least one director by the county commission of each county in which any part of the proposed new territory lies;

b. Provision for any change in the total number of directors that the board deems appropriate; provided, however, that in no case shall such total number of directors be less than three;

c. Provision for staggering the terms of office of the directors in the manner provided herein; and

d. Any provision that the board deems appropriate for allocation of the assets of the authority, upon dissolution, among the counties in which the service area lies.

(3) If the proposed amendment makes provision for the operation of a system or facility not then provided for in the certificate of incorporation of the authority, such proposed amendment shall include, in addition to a concise legal description of the area or areas in which the authority proposes to render service from such system or facility, a provision for an appropriate change in the name of the authority.

(c) After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the authority, the board shall file a written notice with the county commission of each county in which any part of the authority's then existing service area lies and with the county commission of each county in which any part of the proposed new territory lies. Such notice shall:

(1) State, in the event that it is proposed to make provision for the operation of a system or facility not then provided for in the certificate of incorporation of the authority, that the authority proposes to render service from such a system or facility (which shall be named), contain a concise legal description of the area or areas in which the authority proposes to render the service provided for by such system or facility and state that there is no public water system adequate to serve any area in which it is proposed that the authority will render such service;

(2) State, in the event that it is proposed to add any new territory to the service area of the authority, that there is no public water system adequate to serve any new territory in which it is proposed that the authority will render water service; provided, that in lieu of the statement required by the foregoing provisions of this subdivision, the said application may state that the board of directors or similar managing body of the owner of the legal or equitable title to an existing public water system or public fire protection facility, as the case may be, has adopted a resolution declaring its intention to convey to the authority its interest in such existing system or facility, or both, or a leasehold estate therein;

(3) State that the said amendment will promote the public health, convenience and welfare; and

(4) If the proposed amendment provides for a change in the name of the authority, there shall be filed, together with the certificate required by the immediately preceding sentence, a certificate by the secretary of state showing that the proposed new name of the authority is not identical to that of any other corporation then in existence and organized under the laws of this state or so nearly

similar to that of any other such corporation as to lead to confusion and uncertainty.

(d) The judge of probate shall promptly examine each such certificate and shall determine whether it is complete and regular on its face and whether the proposed amendment complies with the provisions of this act. If the judge of probate shall find that each such certificate is complete and regular on its face and that the proposed amendment complies with the provisions of this act, he shall enter and sign an order setting forth his finding and requiring each such certificate to be recorded, together with his order. Upon the filing for record of the said order and each such certificate, the said amendment to the certificate of incorporation shall become effective.

(e) If the proposed amendment effects a change in the name of the authority, the judge of probate shall promptly send a notice to the secretary of state, advising him of such change.

Section 5. The Franklin County Water Coordinating and Fire Prevention Authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

The initial board of directors shall consist of the three citizens appointed to incorporate the authority and four other directors to be appointed as follows:

(1) In addition to the appointment of one of the incorporators who shall serve an initial term of two years, the Franklin County commission shall appoint as one director, the county engineer who shall serve an initial term of one year;

(2) The Franklin County Firefighters Association and the Franklin County Rescue Association shall appoint one member from their associations who shall serve an initial term of one year;

(3) With each incorporated municipality regardless of size having one vote in the selection, the elected mayors of all incorporated municipalities in Franklin County shall appoint one director who shall serve an initial term of two years;

(4) The chairmen of the water authorities in Franklin County shall appoint one director who shall serve an initial term of three years;

(5) The incorporator appointed by the senator shall serve an initial term of three years and shall be chairman of the board of directors during his initial term of office; and

(6) The incorporator appointed by the member of the House of Representatives shall serve an initial term of three years.

As soon as may be practicable after the organization of the authority, an election shall be held by the board of directors to elect a vice-chairman and a secretary-treasurer. After the initial term of three years for the chairman, the board of directors shall elect a chairman who shall serve two year terms. No chairman shall serve more than two consecutive terms.

Upon the expiration of said initial terms, directors shall serve a term of three years and vacancies shall be filled by the respective appointing authority that made the initial appointment. In the event of a vacancy in office due to death, disability, resignation or impeachment, the unexpired term of such office shall be filled by appointment by the respective appointing authority making the initial appointment. No officer of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director.

Each director appointed must be a duly qualified elector of that county and must be a resident of and the owner of real property in that part of the service area of the authority which lies within that county. Directors shall not be eligible to serve for more than two consecutive terms. Each director shall be compensated in an amount not to exceed \$10.00 per meeting attended but not to exceed \$120.00 per year. In addition, each director shall be entitled to a \$25.00 per diem expense allowance for each day spent on official business of the said authority in the performance of his duties.

Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said section 175.

The Franklin County commission may provide office space and staff for the authority.

Section 6. (a) The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil actions, except as otherwise provided in this act, and to defend civil actions against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties and whether located within or outside the service area;

(6) To make, enter into and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted under this section;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip and operate water systems, fire protection facilities or any part or combination of any thereof, whether located in one or more counties and whether located within or outside the service area, and to acquire real and personal property, franchises and easements deemed necessary or desirable in connection therewith;

(8) To distribute and sell water, either at retail or for resale, within the service area or in any part thereof upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

(9) To assume obligations secured by a lien on or payable out of or secured by a pledge of the revenues from any water system and fire protection facility or part of any thereof that may be acquired by the authority, any obligation so assumed to be payable by the authority out of the revenues derived from the operation of any water system and fire protection facility of the authority or out of the revenue from tax sources or fees earmarked and payable to such authority by law;

(10) To pledge for payment of any bonds or obligations assumed by the authority any revenues from which those bonds or obligations are made payable as provided in this act;

(11) To execute and deliver mortgages and deeds of trust and trust indentures or either;

(12) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 18, Code of Alabama 1975, as amended; provided, however, that this subsection shall not be deemed to authorize the authority to acquire, without the consent of the owner or owners thereof, any water supply system or water distribution system from which water service is at the time being furnished or any property that is at the time being used in the furnishing of fire protection service;

(13) To appoint, employ, contract with and provide for the compensation of such officers, employees and agents, including, but

without limitation to, engineers, attorneys, management consultants and fiscal advisers, as the business of the authority may require without regard to any provisions of sections 41-16-50 through 41-16-63 of the Code of Alabama 1975 that might otherwise be applicable;

(14) To make and enforce reasonable rules and regulations governing the use of any water system or fire protection facility owned or controlled by the authority;

(15) To provide for such insurance as the board may deem advisable;

(16) To invest any funds of the authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality and interest-bearing bank deposits or any thereof;

(17) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the authority was established;

(18) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any water system or fire protection facility of the authority;

(19) To sell and convey, with or without valuable consideration, any of its water systems or fire protection facilities or any portion of any of the said systems and facilities to any one or more counties, municipalities or public corporations organized under the laws of the state which have the corporate power to operate the system and facilities or portions thereof so conveyed and the property and income of which are not subject to taxation; and only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture or other agreement to which the authority is a party;

(20) To enter into a management agreement or agreements with any person for the management by the authority of any water system or fire protection facility or any thereof upon such terms and conditions as may be mutually agreeable;

(21) To fix and revise from time to time reasonable rates, fees and other charges for water service and fire protection service or any thereof furnished or to be furnished by any water system or fire protection facility or portion of any thereof owned or operated by the authority and to collect all charges made by it.

(22) To cooperate and work with existing water systems and county, city and councils of local government on this public water authority project; and

(23) To use funds available to assist in applying for any available state, federal or private grants.

The by-laws of the Franklin County Water Coordinating and Fire Prevention Authority shall include, without limitation, the foregoing statements of powers, purposes and authority in such document. However, the inclusion of engagement of the water authority in fire protection facilities and/or fire protection services, and to what degree, shall be at the discretion of the board of directors of the authority. The by-laws, as well as the certificate of incorporation, may be amended at any time and from time to time.

(b) Nothing in this section shall be construed to permit an authority to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip or operate any property or water system and fire protection facility or any part or combination of any thereof located outside the service area, except as an incident to the rendering of water service and fire protection service or any thereof inside the service area.

(c) Any schedule or schedules of rates and other charges adopted by the board may:

(1) Provide for the rendition by the authority to customers served by it of combined statements or bills for service furnished from its water systems and fire protection facilities or any one or more of any thereof;

(2) Permit the authority to decline to accept payment of charges for service from any of its said systems and facilities, without payment of charges for service at the same premises from any one or more of its other systems and facilities;

(3) Provide for a discontinuance of service from any or all of its said systems and facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any system or facility of the authority;

(4) Provide for the payment of connection fees, disconnection fees and reconnection fees by the customers; and

(5) Require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the authority shall not be obligated to pay or allow interest.

(d) The authority organized under this act for the purpose of constructing and operating a water system shall have all of the powers

and authority set forth in this section, either separately or in combination with any other system, service or facility referred to in this section.

Section 7. (a) The authority organized or operating pursuant to this act shall, in addition to all other powers now or hereafter granted by law, have the following powers and rights:

(1) To borrow money for use for any of its corporate purposes.

(2) To sell, transfer, convey, grant options to purchase, or lease all or any part of its system or systems for such consideration and on such terms as it shall deem advisable and in the best interest of the authority.

(3) To consent and agree to the assignment or payment of any income received from the investment of any moneys of funds of the authority to any other public corporation or public entity, including, without limitation, the county (as defined in Section 1) or the state of Alabama.

(4) To loan or advance its funds to any person (as defined in Section 1) at such, if any, interest as it shall determine, for the purpose of financing the construction of a system or any part thereof.

(5) To contract with others for the construction of all or any part of a system or systems or any part thereof.

(b) The moneys held in any special fund established by the authority may be invested in any direct obligations of the United States of America, the obligations of any agency of the United States of America, interest-bearing bank deposits, or in any securities the payment of the principal of and interest on which is fully secured by direct obligations of the United States of America.

(c) The authority shall be under no obligation to render service to the citizens of any municipality which shall not have granted the authority and those claiming under it a franchise for any system of the authority within such municipality without payment of any fee, charge or cost other than the cost of publication of the ordinance granting the franchise.

(d) Any transaction to which the authority or the county (as defined in Section 1) is a party shall be exempt from any tax levied pursuant to article 4 of chapter 12 of Title 40, Code of Alabama 1975, or any tax levied in substitution therefor or in lieu thereof.

(e) Any water system or any part thereof leased or subleased to, or operated or managed by, the authority or county (as defined in Section 1), whether the lease or sublease be by the authority or any private party, including without limitation corporations or partnerships, shall be exempt from all state, county and other taxes,

including without limitation ad valorem taxes, regardless of the entity that shall hold the legal title to such system or facility or any part thereof or any remainder or reversionary interest therein.

(f) The county (as defined in Section 1) may acquire by lease or sublease any property comprising all or any part of a water system from the authority or from any vendee or lessee or sublessee of the authority, or may manage or operate the same, having all rights of the authority with respect thereto, upon mutual consent of the parties.

Section 8. As security for payment of the principal of and interest on bonds or obligations assumed by it, the authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any water system and fire protection facilities owned by it or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from any such system or facility, for the disposition and application of its gross revenues or any part thereof and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such system or facility will be sufficient to operate such system or facility, maintain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such system or facility and the making of replacements thereof and capital improvements thereto.

Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the authority under this act.

Section 9. Rates, fees and charges for water service and fire protection service rendered by the authority from any of its water systems or fire protection facilities shall be so fixed and from time to time revised as at all times to provide funds at least sufficient to:

(1) Pay the cost of operating, maintaining, repairing, replacing, extending and improving the systems and facilities, or either, from which such services are rendered;

(2) Pay the principal of and the interest on all bonds and obligations assumed by the authority that are payable out of the revenues derived from operation of those systems and facilities together with revenues from any tax sources and fees as the said principal and interest become due and payable;

(3) Create and maintain such reserves for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the authority under this act or in any resolutions of the board authorizing the assumption of any obligation or the acquisition of any such system or facility; and

(4) Make such annual payments if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies and political subdivisions of the state and any public corporations organized under the laws of the state as the authority may have contracted to make.

Section 10. For the purpose of securing water service and fire protection facilities or aiding or cooperating with the authority in the planning, development, undertaking, construction, extension, improvement, operation or protection of water systems and fire protection facilities, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or without consideration, as it may determine:

(1) Appropriate, lend or donate money to or perform services for the benefit of the authority;

(2) Donate, sell, convey, transfer, lease or grant to the authority, without the necessity of authorization at any election of qualified voters, any property of any kind, including, but without limitation, any water system or fire protection facility, any interest in any thereof and any franchise; and

(3) Do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction or operation of water systems and fire protection facilities.

Section 11. The authority is hereby authorized to use the rights-of-way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the county commission of any county and subject only to the necessity of obtaining the municipal consent required by section 220 of the Constitution of Alabama; provided, that nothing in this section shall be construed to exempt the authority from the requirements of section 23-1-4, Code of Alabama 1975; provided further, that the said authority shall have the duty to restore at its expense all roads, highways and public rights-of-way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

Section 12. The furnishing of fire protection facilities in conjunction with the water services by the authority as well as the

furnishing of water services are hereby declared to be a governmental function.

The authority shall not be liable for any tort, whether negligent or wilful, committed by any director, agent, servant or employee of the authority in the furnishing of water service or fire protection facilities or service or in the construction, maintenance or operation of any water or fire protection facility.

Section 13. The authority, the property and income of the authority, the income from bonds, conveyances by or to the authority and leases, mortgages and deeds of trust by or to the authority shall be exempt from all taxation in the state of Alabama.

The authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation or the recording of any document.

No license or excise tax may be imposed on the authority in respect of the privilege of engaging in any of the activities authorized by this act.

Section 14. The authority now or hereafter organized under the provisions of this act is hereby exempted from the laws of the state of Alabama governing usury and prescribing or limiting interest rates, including, without limitation, the provisions of chapter 8 of Title 8 of the Code of Alabama 1975.

Section 15. At any time when no bonds or obligations theretofore assumed by the authority are outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the judge of probate of the county, the authority shall thereupon stand dissolved and, in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to and be divided and apportioned among Franklin County and any other county or counties in which any part of the service area may be located, all in such manner and to such extent as may be provided in the authority's certificate of incorporation, as amended; provided, however, that in the absence of a contrary provision in the said certificate of incorporation, as amended, title to real estate and tangible personal property, other than cash, shall vest in the county in which the said real estate or tangible personal property is located and the title to cash on hand and in banks, accounts receivable, choses in action and other intangible property, other than intangible interest in land, shall vest in all of the counties in which any part of the service area lies. Each such county shall have title to said cash and intangible items as a tenant in common thereof, the fractional interest of each

such tenant in common in said items being represented by a fraction the numerator of which is an amount equal to the gross revenues derived by the authority during its then next preceding complete fiscal year from service rendered in that part of its service area within that county and the denominator of which is an amount equal to the gross revenues derived by the authority during the same period from services rendered or otherwise in its entire service area.

Section 16. In all cases where there is an attempt to incorporate a public corporation under the provisions of this act, and a certificate of incorporation with respect to such corporation has been filed in the office of the judge of probate of the county in which such corporation was sought to be incorporated, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the attempted incorporation of such public corporation with respect to which such a certificate of incorporation has been filed shall be and hereby is validated ab initio, notwithstanding any irregularity in the procedure for incorporation of such corporation, including, without limiting the generality of the foregoing:

(1) The failure of the judge of probate in whose office such certificate of incorporation was filed to examine such certificate of incorporation or to enter an appropriate order with respect thereto;

(2) The inclusion in the certificate of incorporation of any matter not authorized to be included therein or contrary to the statutory requirements with respect to such corporation.

Section 17. Except as expressly otherwise provided in this act, no proceeding, notice or approval shall be required for the incorporation of the authority or the amendment of its certificate of incorporation, the acquisition of any property, water system or fire protection facility or the issuance of any mortgage and deed of trust or trust indenture.

Section 18. The Franklin County Water Coordinating and Fire Prevention Authority shall be audited similar to and in accordance with any audit required to be performed upon the Franklin County commission and the operations of the County of Franklin.

Section 19. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are hereby repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon the passage and approval of a constitutional amendment authorizing the creation of

the Franklin County Water Coordinating and Fire Prevention Authority.

Approved September 30, 1988

Time: 4:38 P.M.

Act No. 88-915

S. 44—Senator Dial

AN ACT

To require pipeline facilities transporting hazardous liquids and/or liquefied natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act the following words and terms shall have the following meanings unless a different meaning is expressly stated or clearly indicated by the context:

(a) "Person" means any individual, firm, joint venture, partnership, corporation, association, or joint stock association and includes any trustee, receiver, assignee, or personal representative thereof engaged in the transportation of hazardous liquids.

(b) "Hazardous liquid" means:

(1) Petroleum, petroleum products; or anhydrous ammonia.

(2) Any substance or material which is in liquid state, including liquified natural gas (LNG), when transported by pipeline facilities and which may pose an unreasonable risk to life or property when transported by pipeline facilities;

(c) "Transportation of hazardous liquids" means the movement of hazardous liquids by intrastate pipeline, or their storage incidental to such movement, except that it shall not include: any such movement through gathering lines in rural locations, coastal waters, or onshore production; refining or manufacturing, cleansing and processing facilities, not including LNG facilities; or storage or in-plant piping systems associated with any such facilities;

(d) "Facilities" includes, without limitation, new and existing pipe, right-of-way, any equipment, facility, or building used or intended for use in the transportation of hazardous liquids, and any facility used in the liquification of natural gas, but "rights-of-way"

as used in this title does not authorize the Commission to prescribe the location or the routing of any pipeline facility;

(e) "Commission" means the Alabama Public Service Commission;

(f) "Federal Safety Standards" means the minimum standards of safety adopted by the United States Department of Transportation pursuant to the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 (P.L. 96-129)(Title 49 C.F.R., Parts 191-195) or any amendments thereto, and any rules and regulations promulgated by any regulatory agency of the United States having jurisdiction thereof.

Section 2. All facilities used in this state for the transportation of hazardous liquids and the liquification of natural gas shall be constructed, operated and maintained in such safe manner as at all times to be in compliance with the defined federal minimum standards.

Section 3. The Commission shall have the right, power and authority: to provide and make certification, reports and information to the Secretary of the United States Department of Transportation; to enter into agreements with said Secretary to carry out the purposes of this article; to enforce federal safety standards in the State of Alabama in lieu of enforcement by the said Department of Transportation as permitted in the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 (P.L. 96-129); and to exercise regulatory jurisdiction over the safety of pipeline facilities and the transportation of hazardous liquids as permitted by the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 (P.L. 96-129).

Section 4. In order to determine whether or not each such pipeline facility is operating in compliance with the required safety standards and to enforce such compliance, the Alabama Public Service Commission shall have the right, power and authority to promulgate reasonable rules and regulations to facilitate such purposes. It may require each such pipeline system to make, maintain and file such books, papers, records and documents as the Commission may deem necessary, which books, papers, records and documents shall be made available to members of the Commission and their employees upon request. Authorized personnel of the Commission shall be authorized to inspect all such pipeline facilities, systems, and equipment and shall have the right of access and entry to all buildings and property owned, leased or operated by such systems.

Section 5. Upon petition of the Commission, the Circuit Court in any county in which a violation of this article exists shall have

jurisdiction to restrain such violations and to enforce compliance with the safety standards herein required.

Section 6. The Alabama Public Service Commission shall be authorized to employ, subject to the provisions of the Merit System Act, such inspectors or other qualified employees as may be necessary to carry out the provisions of this Act.

Section 7. (a) Any person who violates any provision of the Act or any regulation issued hereunder shall be subject to a civil penalty not to exceed \$1,000.00 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$200,000.00 for any related series of violations.

(b) In determining the amount of the penalty, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State of Alabama to the person charged, or may be recovered in a civil action brought by the Commission in the Circuit Court of any county in which a violation exists.

Section 8. Nothing in this Act shall be deemed to confer upon the Commission any additional power or jurisdiction to supervise or regulate the rates, services, franchises, or other matters pertaining to pipeline facilities or transportation of hazardous liquids except with respect to the enforcement of federal safety standards prescribed by the Secretary of the United States Department of Transportation.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:39 P.M.

Act No. 88-916

S. 8—Senator Smith (J)

AN ACT

To amend section 13A-6-4, Code of Alabama 1975, to provide that criminally negligent homicide is a Class C felony.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13A-6-4, Code of Alabama 1975, is hereby amended to read as follows:

“(a) A person commits the crime of criminally negligent homicide if he causes the death of another person by criminal negligence.

(b) The jury may consider statutes and ordinances regulating the actor’s conduct in determining whether he is culpably negligent under subsection (a) of this section.

“(c) Criminally negligent homicide is a Class A misdemeanor, except in cases in which said criminally negligent homicide is caused by the driver of a motor vehicle who is driving in violation of the provisions of §32-5A-191, Code of Alabama 1975; in such cases criminally negligent homicide is a Class C felony.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:40 P.M.

Act No. 88-917

S. 53—Senators Amari, Parsons, Bedford,
Ellis and Hale

AN ACT

Authorizing and empowering the state highway department to set speed limits in urban and rural construction zones along state and interstate highways.

Be It Enacted by the Legislature of Alabama:

Section 1. The state highway department is hereby authorized and empowered to set the speed limits in urban and rural construction zones along state and interstate highways. Such construction zone speed limits shall be posted on the department’s standard size speed limit signs at least one hundred feet in advance of the entrance to a construction zone. Law enforcement authorities shall enforce such construction zone speed limits in the same manner that they enforce normal speed limits along state and interstate highways and violators of construction zone speed limits shall be penalized as prescribed by law or ordinance for a normal speed limit offense.

Section 2. The state highway department is hereby further authorized and empowered to promulgate and implement such administrative rules and procedures as it deems necessary to both carry out the

provisions of Section 1 of this act and to ensure the safety of private and public construction and maintenance personnel working in designated construction zones on state and interstate highways.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:41 P.M.

Act No. 88-918

S. 103—Senator Manley

AN ACT

To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

Be It Enacted by the Legislature of Alabama:

Section 1. Those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to Volumes 3 through 6, 8 through 12A, and 14 through 22, and the 1987 Replacement Volumes 7, 7A and 13 of the Code of Alabama 1975, as edited and prepared by The Michie Company, as the Alabama Code Commissioner, which said volumes of such cumulative supplement and said replacement volumes are identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back of each of the volumes of the cumulative supplement and upon the first inside page and the last inside page of the replacement volumes, be and the same are hereby adopted and incorporated into the Code of Alabama 1975 as adopted by Act No. 20, H. 100, of the 1977 Regular Session of the Legislature, approved February 15, 1977 (Acts of 1977, p. 28). Provided, however, the following corrections shall be made in certain

volumes of such 1987 Cumulative Supplement and the 1987 Replacement Volume 13:

(1) §11-43-40, Vol. 8, p. 98: On the second line from the end of subdivision (4) of subsection (a), substitute "city council" for "governing body". Also, on the fourth line from the end of subdivision (5) of subsection (a), substitute "city council" for "governing body".

(2) §11-99-4, Vol. 10, p. 52: On the second line from the end of paragraph a. of subdivision (5) between the words "and" and "is", insert the word "it".

(3) §12-19-156, Volume II, p. 47; on third line substitute "chapter" for "act."

(4) §12-22-73, Vol. 11, p. 67: Immediately following §12-22-73, insert the following section:

"§12-22-73.1. On the effective date of Act No. 87-188, the provisions contained therein shall apply to all causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10 percent penalty assessed as so provided by section 12-22-72 and/or section 12-22-73."

(5) §16-10-1, Rep. Vol. 13, p. 112: On the seventh line of the section immediately preceding the word "from", insert the following: "through the county superintendent of education,".

(6) §29-4-44, Vol. 17, p. 80: Beginning at the end of subsection (a) of §29-4-44, insert the following: "In addition to the above employees, the presiding officer of the senate shall be authorized to employ two additional full-time secretaries, one to be assigned to the office of the president pro tempore of the senate and the other to the senate committee on rules. The presiding officer of the house of representatives shall be authorized to employ two full-time secretaries, one to be assigned to the house committee on rules and the other to such other committee as he may designate. The rate of compensation for these additional secretaries provided for the presiding officers of the senate and the house of representatives shall be paid at a rate of compensation not to exceed the maximum amount as may heretofore or may hereafter be allowed by law as provided for the secretaries in section 29-4-49."

(7) §34-37-15, Vol. 18, p. 123: On the last line of subdivision (7), change the word "water" to "waste".

(8) §41-9-682, Vol. 22, p. 34: On the last line of subsection (a) immediately following the word "facilities", insert the following: ", including sites and equipment for any of the aforesaid facilities".

Section 2. In order to place the principal drug crime statutes in the Alabama Criminal Code, Title 13A of the Code of Alabama 1975, Article 5 of Chapter 12 of such Title 13A and Chapter 2 of Title 20, as appearing in Volumes 12 and 14, respectively, of the 1987 Cumulative Supplement to the Code, are hereby reorganized by transferring and renumbering certain articles, divisions and sections of said chapters and making such other nonsubstantive changes as may have resulted from changes in such reference numbers, as follows:

- (1) Transfer §20-2-73 to become §13A-12-215.
- (2) Transfer §20-2-75.1 to become §13A-12-260.
- (3) Transfer §20-2-79 to become §13A-12-250.
- (4) Transfer §20-2-80 to become §13A-12-231, and substitute "section 13A-5-9" for each reference to "the Habitual Felony Offender Act" in subdivision (10).
- (5) Transfer §20-2-81 to become §13A-12-232, and change the reference in subsection (b) from "this article, section 20-2-80" to "section 13A-12-231".
- (6) Transfer §20-2-160 to become §13A-12-201.
- (7) Transfer §20-2-161 to become §13A-12-202.
- (8) Transfer §20-2-162 to become §13A-12-203.
- (9) Transfer §20-2-163 to become §13A-12-204.
- (10) Transfer §20-2-164 to become §13A-12-205.
- (11) Change "article" in §13A-12-210 to "division".
- (12) Substitute §13A-12-215 for §13A-12-216.
- (13) Denominate §§13A-12-201, 13A-12-202, 13A-12-203, 13A-12-204, and 13A-12-205 as Division 1 of Article 5 of Chapter 12 of Title 13A.
- (14) Denominate §§13A-12-210, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214, 13A-12-215, and 13A-12-216 as Division 2 of Article 5 of Chapter 12 of Title 13A.
- (15) Denominate §§13A-12-230, 13A-12-231, and 13A-12-232 as Division 3 of Article 5 of Chapter 12 of Title 13A.
- (16) Denominate §13A-12-250 as Division 4 of Article 5 of Chapter 12 of Title 13A.
- (17) Denominate §13A-12-260 as Division 5 of Article 5 of Chapter 12 of Title 13A.

Section 3. It is hereby declared that The Michie Company, as the Alabama Code Commissioner, has discharged its duties and

responsibilities to edit and publish 1987 Replacement Volumes 7, 7A and 13 of the Code of Alabama 1975 by combining the material in the previous bound volumes with the material contained in the cumulative supplements thereto without making any substantive changes, but making such nonsubstantive changes and corrections as may have resulted from changes in reference numbers, changes of names and titles of governmental departments, agencies and officers, typographical errors and misspellings.

Section 4. The adoption of this act shall not repeal, supersede, amend, or in any other way affect any statute enacted into law during any 1988 session of the Legislature.

Section 5. Upon passage and approval of this act, the duly authenticated volumes of the 1987 Cumulative Supplement and the duly authenticated 1987 replacement volumes shall be transmitted to the Secretary of State, who shall file the volumes of the supplement and the replacement volumes in that office. Such volumes of the supplement and such replacement volumes shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar services.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:42 P.M.

Act No. 88-919

S. 165—Senator Langford

AN ACT

To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, are hereby amended to read as follows:

“§34-33-1.

“(1) FIRE PROTECTION SPRINKLER CONTRACTOR. An individual, partnership, corporation, association, or joint venture engaged in the business of installation, repair, alteration, addition,

maintenance, or inspection of fire protection sprinkler systems. This does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.

“(2) **CERTIFIED FIRE PROTECTION SPRINKLER CONTRACTOR.** A fire protection sprinkler contractor who has qualified and received a permit from the state fire marshal.

“(3) **CERTIFICATE HOLDER.** An individual who is listed on the state fire marshal’s permit as the responsible managing owner, partner, officer or employee who is actively in charge of the work of the certified fire protection sprinkler contractor.

“(4) **STATE FIRE MARSHAL’S PERMIT.** The form issued by the state fire marshal to a fire protection sprinkler contractor upon application being approved and fee paid. The permit shall be issued in the name of the fire protection sprinkler contractor, with the name of the certificate holder noted thereon.

“(5) **FIRE PROTECTION SPRINKLER SYSTEM.** A system of overhead piping designed in accordance with fire protection engineering standards. The system is supplied from a reliable, constant and sufficient water supply, such as a gravity tank, fire pump, reservoir or pressure tank, and/or connection by underground piping to a city main. The portion of the sprinkler system above ground is considered the fire protection sprinkler system for purposes of this chapter, and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. Fire protection sprinkler systems shall include the following types: wet-pipe systems, dry-pipe systems, pre-action systems, deluge systems, combined dry-pipe and pre-action systems, antifreeze systems, and circulating closed loop systems, all as defined in National Fire Protection Association Pamphlet 13, Standard for the Installation of Sprinkler Systems, latest edition, or National Fire Protection Association Pamphlet 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes, latest edition.

“§34-33-2.

“The administration of this chapter is vested in the state fire marshal who shall have the power to set or make changes in the amount of the fee charged as necessary for the administration and enforcement of this chapter.

“§34-33-3.

“It shall be unlawful for any individual, partnership, corporation, association, or joint venture to engage in the business of installation,

repair, alteration, addition, maintenance, or inspection of a fire protection sprinkler system in this state except in conformity with the provisions of this chapter. Nothing in this chapter, however, shall be construed to apply to fire protection sprinkler system owners who employ registered professional fire protection engineers, and skilled workers who regularly and routinely design, install, repair, alter, add to, maintain, and inspect sprinkler systems on and within the premises of their employer, provided such systems are for the owners' use only.

“§34-33-4.

“Any individual, partnership, corporation, association, or joint venture desiring to engage in the business of fire protection sprinkler contractor shall submit to the state fire marshal on standard forms provided by the state fire marshal a completed application. The applicant shall include a fee of \$100.00 when making the application. The applicant shall designate in the application the name of the proposed certificate holder and provide written proof that such individual has passed a competency test administered by the National Institute for Certification in Engineering Technology (NICET) as a Fire Protection Layout Technician—Level III. A copy of the NICET letter of notification that the proposed certificate holder has passed the competency test shall be sufficient written proof. The state fire marshal, shall issue, upon receipt of the application and fee, a state fire marshal's permit to a fire protection sprinkler contractor who has a current state fire marshal's permit, or who produces evidence of having a current state permit from another state, if such state shall have entered into an agreement of reciprocity with the state of Alabama.

“§34-33-5.

If the required fee has been paid, satisfactory written proof from NICET has been provided that the competency test was passed when required by this chapter and the proposed certificate holder found to be at present a responsible, managing owner, partner, officer, or employee of the fire protection sprinkler contractor, the state fire marshal shall within 30 days issue a state fire marshal's permit in the name of the fire protection sprinkler contractor with the name of the certificate holder noted thereon.

“§34-33-6.

“In no case shall a certificate holder be allowed to obtain a state fire marshal's permit for more than one fire protection sprinkler contractor at a time. If the certificate holder should leave the employment of the fire protection sprinkler contractor, he must notify the state fire marshal within 30 days. The certificate holder shall not be eligible to obtain a state fire marshal's permit for more than

one other fire protection sprinkler contractor for a period of 12 months thereafter. If the certificate holder should leave the employment of the fire protection sprinkler contractor, or die, the contractor shall have nine months to submit a new application proposing designation of another individual as the certificate holder for the applicant. If such application is not received and a new permit issued within the allotted time, the state fire marshal shall revoke the permit of the fire protection sprinkler contractor.

“§34-33-10.

“(a) This chapter also applies to any fire protection sprinkler contractor performing work for any municipality, county, or the state. Officials of any municipality, county, or the state are required to determine compliance with this chapter before awarding any contracts for the installation, repair, alteration, addition, or inspection of a fire protection sprinkler system. Bids for such shall be accompanied by a copy of a valid state fire marshal’s permit.

“(b) All architects and engineers preparing plans and specifications for work involving fire protection sprinkler systems to be contracted in the state of Alabama shall include in their invitations to bidders and their specifications a copy of this chapter or such portions thereof as are deemed necessary to convey to the invited bidder, whether he is a resident or nonresident of this state and whether a license has been issued to him or not, the information that it will be necessary for him to show evidence of license before his bid is considered.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:43 P.M.

Act No. 88-920

S. 138—Senator Hilliard

AN ACT

To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Be It Enacted by the Legislature of Alabama:

Section 1. Article VI, Section 19 of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read as follows:

“Section 19. Payment of Benefits During Period of Re-employment.

“Anything herein to the contrary notwithstanding, no retirement benefits of whatever kind or description shall be payable to any former participant for any period during which said former participant is employed by the city, is due a salary from the city or has been paid a salary by the city, except persons elected by the people to serve the city shall have the option of continuing to receive either retirement benefits or the compensation for the office to which that person is elected, or that person may choose to receive both such benefits and compensation.”

Section 2. In the event that a court of competent jurisdiction finds any section, clause, sentence, or other portion of this act to be invalid, such finding shall not impair the part of this act which remains, it being the express intention of this Legislature that such remaining portion be severable and of continuing validity.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:44 P.M.

Act No. 88-921

S. 99—Senator deGraffenried

AN ACT

To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby created and established a continuing fund to be known as the district attorneys' spouses fund.

(b) The fund shall be made up from contributions from district attorneys in such amounts as shall be sufficient to carry out the provisions of this act.

Section 2. (a) The district attorneys' spouses fund shall be administered by the secretary-treasurer of the employees' retirement system under the supervision of the board of control of the said employees' retirement systems, and said board of control shall be the trustee of such fund and shall handle such fund in the same manner and pursuant to the same rules and regulations that it handles funds in the employees' retirement system.

(b) The state comptroller shall issue warrants for the disbursement of such fund in the same manner that he issues warrants for the disbursement of funds of the state employees' retirement system.

Section 3. Every spouse of a district or supernumerary district attorney, covered under the provisions of this act, who meets the requirements for benefits prescribed in this act shall be entitled to receive benefits as herein provided.

Section 4. Every district attorney holding office on the effective date of this act, shall come under the provisions of this act as a matter of law. No supernumerary district attorney who was a supernumerary district attorney prior to the effective date of this act may come under this act. Each district attorney elected or appointed to office after the effective date of this act shall come under the provisions of this act as a matter of law. After the effective date of this act each district attorney covered by the provisions of this act shall contribute to the district attorneys' spouses fund four and seven-tenths percent of his earnable compensations; provided that beginning with the fiscal year beginning October 1, 1989 such percentage shall be set from year to year by the secretary-treasurer, upon recommendations by the actuary after an annual valuation of the assets and liabilities of the fund created by this act.

Section 5. Any district attorney holding office on the effective date of this act shall be entitled to receive credit for such prior service rendered as a district attorney prior to the effective date of this act, provided that any district attorney electing prior service under the provisions of this section shall certify to the secretary-treasurer within one year from the effective date of this act, all such prior service as a district attorney for which credit is claimed.

Section 6. After the death of any district or supernumerary district attorney who has served and received credit for a minimum of five years of service, his spouse shall receive a yearly benefit equivalent to three percent of the salary payable from the state treasury prescribed by law to the district or supernumerary district attorney, at the time of death or at the time he elects to assume supernumerary status, as the case may be, for each year of service, not to exceed thirty percent of such salary, payable monthly for the remainder of such spouse's life or until his or her remarriage.

Section 7. Should the service of a district attorney be terminated prior to the time he is entitled to assume supernumerary status he shall be entitled to a certificate showing his credited service under the district attorneys' spouses fund. If he has sufficient time of service for any benefit provided in this act, upon his death such certificate may be filed as proof of eligibility with the then secretary-treasurer of the employees' retirement system.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:45 P.M.

Act No. 88-922

S. 137—Senator Hilliard

AN ACT

To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, be and is hereby further amended to add to Article IV. Eligibility to Participate, Section 3. Elected Officials and Employees in the Unclassified Service, a further subsection, to read in full as follows:

“(a) Elected Officials. As used in this subsection (a), and as hereinafter used in this act, the following words and terms have the meanings hereby accorded them: ‘office’ means an elective office of the City; ‘officer’ means a person holding an office as herein defined; ‘effective date of (a)’ means the effective date of this subsection (a) of this Section 3 of this ARTICLE IV.

“Each officer shall be eligible to become a member of the System by exercising the option hereby given to the manner and within the time provided for in this subsection (a) and not thereafter.

“Any person an officer on the effective date of (a) may exercise such option within ninety (90) days from the effective date of this

(a). Any person not an officer on the effective date of (a) who thereafter becomes an officer may exercise such option within ninety (90) days after he becomes an officer. An officer desiring to become a member under this subsection (a) will deliver to the city finance officer, within the time above specified, a statement signed by him reciting that he elects to become a member of the System. The election thus made shall be irrevocable. After thus electing to become a member an officer shall be subject to all burdens and entitled to all rights attached to membership in the System, including the subjection of his salary to salary deductions and entitlement to contributions by the City on his behalf to the fund in accordance with the provisions of this act, for salary deductions and contributions by the City to the pension fund on behalf of members of the System.

“As herein used, the term ‘prior service’ means a person’s service as an officer prior to his entering the System; the term ‘liability for unpaid contributions’ means the liability an officer must discharge to convert his prior service to Credited Service, the amount of which liability shall be the sum of these two amounts: (1) the sum of all contributions the officer would have paid the System from his salary during his prior service had his salary been subject to deductions for contributions, at the rate applicable when the officer received his salary; and (2) interest at the rate of four percent on each separate contribution the officer would have made to the System had he been a member during his prior service calculated from the date whereon he would have made such contribution had he been a member of the System to the date he pays such contribution. No officer shall receive credit for pension purposes for prior service unless he converts such prior service to Credited Service as herein provided.

“When an officer becomes a member of the System he may then, but not thereafter, elect to convert prior service to Credited Service. Upon electing to convert his prior service to Credited Service he shall then discharge his liability for unpaid contributions in one of the manners prescribed in the two sentences next following. He may discharge such liability by then paying to the System the full amount of such liability. Unless he then discharges in full such liability, at the end of each payroll period following his election to convert prior service to Credited Service, the City, in addition to deductions from the officer’s salary, otherwise provided for, shall deduct from such salary for each payroll period an amount equal to five percent of such liability for unpaid contributions, together with interest thereon at the rate of six percent from the date whereon the officer enters the System until such liability (including interest) is fully discharged.

“Contemporaneously with the officer’s discharging his liability for unpaid contributions for all or any part of his prior service converted to Credited Service, or with the City’s making any payment

to the General Employees' System through salary deductions to discharge such liability, the City will pay to the fund of the General Employees' System from the general funds of the City an amount equal to the sum of these two amounts: (1) the sum of all payments the City would have made from the general funds of the City to the fund of General Employees' Pension System if the officer had been a member of the System during all of that period of his prior service which he converts to Credited Service; and (2) interest at the rate of four percent per annum on each separate payment the City would have made to the said fund from the general funds of the City from the dates on which the City would have made the respective payments had the officer been a member of the System to the date on which the City makes such payments.

“(b) Unclassified Service. Each Qualified Employee of the City who is in the unclassified service shall be eligible to participate in the System provided he shall elect in writing to so participate within fifteen (15) days of his first becoming a qualified Employee in the unclassified service.

“(c) Unclassified Service: Effective January 1, 1989, each newly hired or rehired employee of the City of Birmingham who is in the unclassified service and who is normally scheduled to work sixteen (16) days per month or more, shall be a participant in the System. Each such employee who is employed by the City of Birmingham on January 1, 1989, and immediately preceding such day, shall have the option (1) to elect to continue to participate in any unclassified pension plan which may be provided by said City, thereby permanently and irrevocably waiving any credit in this System under this provision; or (2) to elect participation in this System. Selection of option (2) will give such participant the right to purchase prior unclassified service as described in Article V, Section 7., Purchase of Credit for Prior Unclassified Service, if such service totals less than ten years. Payment for such time under ten years may be made in full or by payroll deduction over a period not exceeding two years at an interest rate of six (6) percent per annum or as set by the Board of Managers. If such service totals more than ten years, selection of option (2) will provide the participant with credit for one-half of each year completed in the unclassified service of the City prior to becoming a participant or employee member and shall require the payment only of any refund of contributions from any unclassified service pension directly to this System. The option herein provided shall be exercised not later than May 15, 1989. In the event an individual does not exercise this option in writing, that individual shall be continued in any unclassified service under option (1) above.”

Section 2. Any act or portion thereof which is in conflict with this act is hereby repealed to the extent of such conflict.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor.

Approved September 30, 1988

Time: 4:46 P.M.

Act No. 88-923

S. 140—Senator Hilliard

AN ACT

To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-52-32, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-52-32.

“(a) The planning commission shall approve or disapprove a plat within 30 days after the submission thereof to it; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission’s approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the said address by registered or certified mail of the time and place of such hearing not less than five days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the county tax assessor’s office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county.

“(b) Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

“(c) The planning commission may, from time to time, recommend to the council amendments of the zoning ordinance or map

or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with the application upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality.

“(d) The municipal planning commission of any Class 1 city may elect no fewer than three and no more than five persons who are members of such commission to serve while members thereof and at the pleasure of such commission as a committee to approve or disapprove in the name of such municipal planning commission any plat presented to such commission. Should any committee member so elected by the commission be unable for any reason to serve at any time as a member of said committee or should a vacancy occur at any time on the committee, the chairman of the commission shall appoint another member thereof to serve as a member of the committee until such time as the replaced member of the committee shall resume his duties or until the commission shall fill said vacancy by electing another of its members to serve on the committee. Such committee shall be governed by all the provisions of this article applicable to municipal planning commissions in regard to the approval or disapproval of any such plat and to all regulations adopted by such planning commission in regard thereto not inconsistent with the provisions of this article. Any plat submitted to such committee shall be considered as if submitted to the commission, and any approval or disapproval of any such plat by such committee shall be as if the same were approved or disapproved by the commission; provided, however, that any party aggrieved by any decision of such committee may within 15 days thereafter appeal therefrom to the full planning commission of such municipality by filing with such commission a written notice of appeal specifying the decision from which the appeal is taken. In the case of such appeal, such committee shall cause a transcript of all papers and documents filed with the committee in connection with the matter involved in the appeal to be certified to the commission to which the appeal is taken and the commission shall, within 45 days from the taking of such appeal, in accordance with such reasonable regulations as it may from time to time adopt, make such investigation as it deems proper and either affirm the decision of such committee or render such decision as in

the judgment of such municipal planning commission should have been rendered by such committee.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:47 P.M.

Act No. 88-924

S. 193—Senator Hilliard

AN ACT

To amend the Alabama Trademark Act to include the registrability of business trade names thereby creating an “Alabama Trademark and Trade Name Act” by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975; to provide for transition of existing trademarks; and to provide for an effective date of January 1, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975 are hereby amended to read as follows:

“§8-12-6.

“As used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) **APPLICANT.** The person filing an application for registration of a mark under this article, his legal representative, successors or assigns.

“(2) **MARK.** Any trade name, trademark or service mark entitled to registration under this article whether registered or not.

“(3) **PERSON.** Any individual, firm, partnership, corporation, association, union, or other organization.

“(4) **REGISTRANT.** The person to whom the registration of a mark under this article is issued, his legal representative, successors, or assigns.

“(5) **SERVICE MARK.** Any word, name, symbol, character or device or any combination thereof and the distinctive feature of radio, television, or other advertising adopted and used by a person to

identify services rendered or offered by him and to distinguish them from the services of others.

“(6) TRADEMARK. Any word, name, symbol, character, design, drawing or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

“(7) TRADE NAME. A word, name, symbol, character, design, drawing, device, or any combination thereof adopted and used by a person to identify his business (including vocation, occupation or profession), and distinguish it from the business of others.

“(8) USED. A mark shall be deemed to be ‘used’ in this state:

“a. On goods or their containers or the displays associated therewith or on the tags or labels affixed thereto when such goods are sold or otherwise distributed in the state;

“b. In connection with services when it is used or displayed in the sale or advertising of services and the services are rendered in this state; and

“c. In connection with a business when it identifies the business to persons in this state.

“§8-12-7.

“(a) A mark by which the goods, services or business of any applicant for registration may be distinguished from the goods, services or business of others shall not be registered if it:

“(1) Consists of or comprises immoral, deceptive or scandalous matter;

“(2) Consists of or comprises matter which may disparage or falsely suggest a connection with a person, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute;

“(3) Consists of or comprises the flag or coat of arms or other insignia of the United States, of any state or municipality or of any foreign nation, or any simulation thereof;

“(4) Consists of, comprises or includes the name, signature or portrait of any living individual, except with his written consent;

“(5) Consists of a mark which:

“a. When applied to the goods, services or business of the applicant, is merely descriptive or deceptively misdescriptive of them; or

“b. When applied to the goods, services or business of the applicant is primarily geographically descriptive or deceptively misdescriptive of them; or

"c. Is primarily merely a surname; provided, however, that nothing in this subdivision shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods, services or business. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods, services or business, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration; or

"(6) Consists of or comprises a mark which so resembles a mark registered in this state or a mark previously used in this state by another and not abandoned, as to be likely, where applied to the goods, services or business of the applicant, to cause confusion or mistake or to deceive. Such a mark may be registered when the prior registrant or assignee, or the previous user of the mark gives his written consent, and the parties identify by affidavit their respective separate geographic markets and state that neither plans to expand into the other's market.

"(b) Neither the issuance of a certificate of incorporation to a domestic corporation or a certificate of authority to a foreign corporation or a certificate of registration to a foreign limited partnership, nor the reservation or registration of a corporate name bestows any rights of ownership in a mark, and the issuance to another of a certificate of incorporation, a certificate of authority, a certificate of registration of a foreign limited partnership, a certificate of reservation of corporate name or a certificate of registration of corporate name shall not serve as the basis for refusing registration of a mark.

"§8-12-8.

"(a) Subject to the limitations set forth in this article, any person who adopts and uses a mark in this state may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that mark setting forth, but not limited to, the following information:

"(1) The name and business address of the person applying for such registration, and if a corporation, the state of incorporation;

"(2) A description of the goods, services or business in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods, services or business and the class in which such goods, services or business fall;

"(3) The date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business; and

“(4) A statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

“(b) Every application under this section shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

“(c) Every application under this section shall be accompanied by a specimen or facsimile of such mark in triplicate.

“(d) Every application for registration under this section shall be accompanied by a filing fee of \$30.00, payable to the secretary of state.

“§8-12-9.

“(a) Upon compliance by the applicant with the requirements of this article, the secretary of state shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the secretary of state and the seal of the state, and it shall show the name and business address, and if a corporation, the state of incorporation of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods, services or business and a description of the goods, services or business on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

“(b) Any certificate of registration issued by the secretary of state under the provisions of this section or a copy thereof duly certified by the secretary of state shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this state.

“§8-12-14.

“(a) The following general classes of goods, services and business are established for convenience of administration of this article, but not to limit or extend the applicant's or registrant's rights. A single application for registration of a mark may include any or all goods upon which, or services or business with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods, services or business upon which the mark is being used which fall within different classes of goods, services or business.

“(b) The said classes are as follows:

“Goods:

“(1) Chemical products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

“(2) Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; natural resins; metals in foil and powder form for painters and decorators.

“(3) Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

“(4) Industrial oils and greases (other than oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night-lights and wicks.

“(5) Pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax, disinfectants, preparations for killing weeds and destroying vermin.

“(6) Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (nonelectric); locksmiths' work; metallic pipes and tubcs; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in nonprecious metal not included in other classes; ores.

“(7) Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators.

“(8) Hand tools and instruments; cutlery, forks, and spoons; side arms.

“(9) Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments; coin or counter-freed apparatus; talking machines; cash registers; calculating machines; fire extinguishing apparatus.

“(10) Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes, and teeth).

“(11) Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.

“(12) Vehicles; apparatus for locomotion by land, air, or water.

“(13) Firearms, ammunition and projectiles; explosive substances; fireworks.

“(14) Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewelry, precious stones, horological and other chronometric instruments.

“(15) Musical instruments (other than talking machines and wireless apparatus).

“(16) Paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paintbrushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and cliches (stereotype).

“(17) Gutta-percha, india rubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (nonmetallic).

“(18) Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

“(19) Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.

“(20) Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.

“(21) Small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges; brushes (other than paintbrushes); brush-making materials; instruments and material for cleaning purposes, steel wool; unworked or semiworked glass (excluding glass used in building); glassware, porcelain and earthenware, not included in other classes.

“(22) Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

“(23) Yarns, threads.

“(24) Tissues (piece goods); bed and table covers; textile articles not included in other classes.

“(25) Clothing, including boots, shoes and slippers.

“(26) Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

“(27) Carpets, rugs, mats and matting; linoleums and other materials for covering existing floors; wall hangings (nontextile).

“(28) Game and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

“(29) Meats, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

“(30) Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionary, ices; honey, treacle; yeast, baking powder; salt, mustard, pepper, vinegar, sauces, spices; ice.

“(31) Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

“(32) Beer, ale and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages.

“(33) Wines, spirits and liqueurs.

“(34) Tobacco, raw or manufactured; smokers' articles; matches.

“Services:

“(35) Advertising and business.

“(36) Insurance and financial.

“(37) Construction and repair.

“(38) Communication.

“(39) Transportation and storage.

“(40) Material treatment.

“(41) Education and entertainment.

“(42) Miscellaneous.

“Business:

“(43) Agriculture, forestry, and fisheries.

“(44) Mining.

“(45) Construction.

“(46) Manufacturing, nondurable goods.

“(47) Manufacturing, durable goods.

“(48) Transportation, communication and other public utilities.

“(49) Wholesale trade, nondurable goods.

“(50) Wholesale trade, durable goods.

“(51) Retail trade—lumber and building materials, hardware, nurseries and garden stores, and mobile home dealers.

“(52) Retail trade—department, variety, miscellaneous general merchandise, grocery, dairy products, retail bakery and food stores.

“(53) Retail trade—motor vehicle dealers, auto and home supply stores, gasoline service stations, and miscellaneous vehicle dealers.

“(54) Retail trade—apparel, accessory and shoe stores.

“(55) Retail trade—furniture, home furnishings, household appliances, T.V. and radio stores.

“(56) Retail trade—eating and drinking places, drugstores and liquor stores.

“(57) Retail trade—sporting goods, bicycles, and hobby stores.

“(58) Retail trade—book, stationery, jewelry, sewing, needlework and piece-goods stores.

“(59) Retail trade—mail-order houses, vending machine operators, and direct selling establishments, fuel and ice dealers, and retail florists.

“(60) Retail trade, miscellaneous.

“(61) Finance, insurance, and real estate.

“(62) Business and repair services.

“(63) Personal services.

“(64) Entertainment and recreation services.

“(65) Professional and related services.

“(66) Public administration.

“(67) Miscellaneous.

“§8-12-16.

“Subject to the provisions of section 8-12-19, any person who shall:

“(1) Use, without the consent of the registrant, of any reproduction, counterfeit, copy or colorable imitation of a mark registered under this article in connection with a business, or with the sale, offering for sale or advertising of any goods or services, and such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services or the sponsorship of such business; or

“(2) Reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used upon or in conjunction with the business or with the sale or other distribution in this state of such goods or services; shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in section 8-12-18, except that under subdivision (2) of this section the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

“§8-12-17.

“Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered under this article, or a mark valid at common law, including a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services.”

Section 2. Marks registered under chapter 12 of Title 8 of the Code of Alabama 1975, the Alabama Trademark Act, prior to the effective date of this act amending such chapter, and not renewed after the effective date, will be maintained by the office of the secretary of state under the prior registration scheme. Any mark registered or renewed after the effective date of this act will be maintained under the classification scheme as amended.

Section 3. If any provisions of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given

effect without the invalid provision or application, and to this end provisions of this act are severable.

Section 4. This act shall become effective January 1, 1989.

Approved September 30, 1988

Time 4:48 P.M.

Act No. 88-925

S. 210—Senators Langford and Ellis

AN ACT

To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional nondeductible contributions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-27A-1, Code of Alabama 1975, is hereby amended to read as follows:

“§36-27A-1.

“It is the intent of the legislature to make available to the public employees and officials of the state of Alabama, or any political subdivision thereof, a public employees' individual retirement account plan and/or any other tax avoidance or deferral plan permitted by federal law, so as to enable said persons to conveniently and economically receive the fullest benefits offered by the federal tax law as it relates to tax deferred savings plans for public employees covered by a mandatory public retirement plan.”

Section 2. Section 36-27A-5, Code of Alabama 1975, is hereby amended to read as follows:

“§36-27A-5.

“The PEIRAF shall be available to all public employees in the state of Alabama who are members of the teachers' retirement system, the employees' retirement system or the judicial retirement fund. In addition, any employee of an employer eligible to participate in the employees' retirement system pursuant to the provisions of section 36-27-6, or any public official or employee of the state of Alabama or any political subdivision thereof, shall be eligible to participate under the provisions of this chapter. Participation in this fund shall be on a strictly voluntary basis under such rules and regulations as shall be adopted by the board of control and in accordance with the provisions contained in the Internal Revenue Code as it relates to

individual retirement accounts for public employees. Any person who shall become ineligible for participation in the PEIRAF due to the termination of his employment with an eligible employer may leave his contributions on account with the PEIRAF; however, no further contributions may be accepted on his account unless such person shall become reemployed by an eligible employer."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:49 P.M.

Act No. 88-926

H.J.R. 149—Reps. Hill and Knight

HOUSE JOINT RESOLUTION

COMMENDING SHELBY COUNTY'S ELVIN HILL ELEMENTARY SCHOOL.

WHEREAS, Elvin Hill Elementary School, for the school year 1987-88, was selected by the United States Department of Education's School Recognition Program as one of 286 public schools designated, nationwide, as a model school; and

WHEREAS, Elvin Hill Elementary School was one of only three public schools in the State of Alabama to receive this national recognition; and

WHEREAS, Elvin Hill Elementary School was judged on such criteria as clear academic goals, high expectations, order and discipline, student rewards and incentives, frequent monitoring of student progress, students' responsibility, teachers' leadership, teachers' rewards and incentives, concentration of classroom time on academics, positive climate, administrative leadership, well articulated curriculum, evaluation for instructional improvement and community support and involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of outstanding achievement, we hereby most heartily congratulate and commend Elvin Hill Elementary School, Principal Ann Head, the staff, the students, and the community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display at Elvin Hill Elementary School, Columbiana, Alabama.

Approved September 30, 1988

Time: 4:50 P.M.

Act No. 88-927

H.J.R. 148—Rep. Grouby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM HOLLIE MONCRIEF OF PRATTVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of William Hollie Moncrief of Prattville, Alabama, on June 2, 1988, at the age of 93 years; and

WHEREAS, a native and lifelong resident of Prattville, Mr. Moncrief was a United States Army veteran of World War I, returning to Prattville in 1918 to enter his father's general merchandise business which was founded in 1900; and

WHEREAS, Mr. Moncrief remained active in the family business, which now is limited to retail furniture sales, until shortly before his death, and was joined in its active operations by his son and grandson who, for the past few years, have assumed much of the business responsibilities; and

WHEREAS, although prominent in the business community as a successful merchant, Mr. Moncrief also greatly contributed to the banking industry in Alabama through service with the Bank of Prattville from its establishment in 1935; he was the last surviving member of the bank's original board of directors and was honored by the Alabama Bankers' Association in 1985 for his 50 years of contributions and achievement in that field; and

WHEREAS, Mr. Moncrief also served in unassuming but effective leadership in other areas of interest and concern to the community and is remembered with gratitude and esteem for his instrumental roles in such undertakings as the rebuilding of the First Presbyterian Church following its destruction by fire in 1941, and the establishment of Prattville's first modern schoolhouse, now the Prattville Primary School; and

WHEREAS, he also was active in the Prattville Lions Club, Shriners and the American Legion, and was an Elder and Deacon of First Presbyterian Church; and

WHEREAS, William Hollie Moncrief, a truly beloved citizen of Prattville and Autauga County, was a kind, caring gentle man whose thoughts and deeds were for those in need of a helping hand, a word of cheer and the support and encouragement of a faithful friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Hollie Moncrief and extend deepest sympathy to his daughter and son, Ellen Virginia Harris and Burein Whitfield Moncrief; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved September 30, 1988

Time: 4:51 P.M.

Act No. 88-928

H.J.R. 147—Rep. Grouby

HOUSE JOINT RESOLUTION

CONGRATULATING CHRISTY LYNN McMICHAEL OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Christy Lynn McMichael of Prattville, Alabama, on her selection as Miss Junior World USA, Teen Division, for the State of Alabama; and

WHEREAS, Miss McMichael, the beautiful young daughter of Mr. and Mrs. Tom McMichael and the granddaughter of Mr. and Mrs. Rufus Head, participated in three days of sportswear, swimsuit and photogenic competition to be named Most Photogenic and first alternate and fourth alternate in the swimsuit and sportswear competitions, respectively; and

WHEREAS, as Junior World USA for the State of Alabama, Miss McMichael also served as Alabama's representative in Atlanta, thereby greatly enhancing the image of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Christy Lynn McMichael of Prattville, Alabama, as Miss Junior World USA for the State of Alabama and do further direct that she receive a copy of this resolution, expressing our sincere

regard of her accomplishments and warm best wishes for every future success in life.

Approved September 30, 1988

Time: 4:52 P.M.

Act No. 88-929

H. 301—Reps. Spratt, Davis, Newton, Perdue, Wright, Seibels, Biddle, Rogers, Payne, McClain, White (G), Gray, Slaughter and Curry

AN ACT

Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 81-752, H. 33, Regular Session of the Legislature of Alabama of 1981, approved May 21, 1981 (Acts of 1981, p. 1278), providing further for the compensation of certain election officers in counties which have a population in excess of 500,000 according to the most recent federal decennial census is hereby amended to read in full as follows:

“Section 1. This act shall apply only in counties of the State of Alabama which now have, or which may hereafter have, a population in excess of 500,000 according to the last or any subsequent federal decennial census. In all general, municipal, special and primary elections, the compensation of certain election officers and workers shall be as follows: The Chief Inspector shall be paid sixty-five dollars (\$65.00) per day, the Assistant Chief Inspector shall be paid fifty-five dollars (\$55.00) per day. Each clerk and each worker assigned to canvas the vote shall be paid forty-five dollars (\$45.00) per day. Provided, however, that in municipal elections where paper ballots are used exclusively, the provisions of law applicable to the use of paper ballots shall apply as to the amount which each election official in such voting centers or box shall be paid. To receive returning fee allowed in this act the election official must present an affidavit indicating he or she has attended an election procedure school since the last election.

“In all city and municipal elections, primary elections or otherwise, held on the same day and time of any state and county

elections, the election officials shall be paid by said municipality one-half of the per diem herein provided, as though an independent election were held at a different date and time. The compensation of the election officials shall be in addition to the cost and expenses of rental and the use of voting machines by said municipality. Otherwise, two or more elections held county wide on the same date and time shall be considered, for the purposes of this, to be held as one election."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:53 P.M.

Act No. 88-930

H. 291—Rep. Buskey (JE)

AN ACT

Relating to Mobile County; providing for the compensation and payment of an additional salary for members of the county governing body, and to preserve certain Mobile County acts regarding salary and expense allowances for said members.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Mobile County Commission, the governing body of Mobile County, may increase the annual salary of the County Commission by resolution, not to exceed an amount equal to \$5,000 per year. Such compensation shall be payable in addition to any other salary provided by law, and shall become effective at the beginning of the next term of said County Commission or other like governing body following adoption of such resolution. In addition thereto, each member of the Commission shall continue to receive all expense allowances now provided by law. Said salaries and expense allowances shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, as provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed except that Act No. 715 of the 1977 Regular Session, Act No. 84-485, H. 610 of the 1984 Regular Session and Act No. 85-434 of the 1985 Regular Session shall remain in full force and effect.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:54 P.M.

Act No. 88-931

H. 229—Rep. Perdue

AN ACT

Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the Board of Managers may waive the one-year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Be It Enacted by the Legislature of Alabama:

Section 1. Article VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Extraordinary Disability Benefits of the City of Birmingham Retirement and Relief System is hereby amended to read in full as follows:

“Extraordinary Disability Allowance For Participants Joining the System on or After January 1, 1989.

“In the event a participant who joins the System on or after January 1, 1989, shall become totally disabled to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the Service and occurring at a definite time and place, then in the event such total disability shall continue until the participant ceases to draw salary as an employee of the City, such disabled participant shall be entitled to a monthly allowance from the Fund equal to seventy percent (70%) of his monthly salary at the time of the accident which resulted in such total disability.

“Benefits shall not be payable hereunder during any period that a disabled participant is able to perform other duties in his job

classification or the customary duties of another job with that participant's employer, which other duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability.

"Benefits payable hereunder shall commence upon the cessation of said disabled participant's drawing a salary from the City and shall continue until such time as such participant is no longer disabled by such injury to perform his customary or other duties, substantially comparable duties, or a substitute job as described above. If, however, such disabled participant should, during the continuation of such disability, be separated from the Service of the City and should said disability cease to exist, the Board may, in its discretion, continue him on the disability rolls until such time as in the judgment of the Board he is able to find suitable employment at a rate of pay equal or in excess of his disability allowance. Section 8, Extraordinary Disability Allowance, shall not apply to persons who join the System on or after January 1, 1989.

"Application for an extraordinary disability allowance must be made within twelve months after the accident resulting in such disability and if granted shall be granted within twelve months after the accident resulting in such disability, provided, however, that for injuries occurring after January 1, 1989, the Board of Managers, in its sole discretion, may choose to waive this one-year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability. Applications received thereafter shall not be considered and no extraordinary disability allowance shall be awarded with respect thereto.

"Anything herein to the contrary notwithstanding, an extraordinary disability allowance heretofore or hereafter granted shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any extraordinary disability beneficiary should become separated from the Service and withdraw his contributions, his right to continuance of disability benefits shall immediately cease.

"This section shall apply only to those participants becoming members of the System on January 1, 1989, or thereafter."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:54 P.M.

Act No. 88-932

H. 222—Rep. Buskey (JL)

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, so as to: distinguish the function of install from service and repair; to delete all references to "registered" contractors; to correct an erroneous code subsection reference; and to provide further for the exemption period for taking examinations of the board for certain contractors having at least two years of experience (grandfather clause).

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the board of heating and air conditioning contractors, created and functioning pursuant to Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the board of heating and air conditioning contractors, created pursuant to Sections 34-31-18 through 34-31-34, Code of Alabama 1975, are hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, are hereby amended to read as follows:

"§34-31-18.

"For the purposes of this chapter, the following terms shall have the meanings herein ascribed to them unless the context clearly indicates otherwise:

"(1) **CERTIFIED CONTRACTOR.** Any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the installation or service and repair of heating and air conditioning systems; provided that nothing in this chapter shall apply to retail sellers of heating and air conditioning systems who do not install said systems themselves. A certified contractor is authorized to install or service and repair or replace natural gas heating and air conditioning appliances excluding the piping to such appliances, and except as otherwise prohibited by law.

“(2) **INSTALLATION.** The act of setting up or installing a heating and air conditioning system for operation and use.

“(3) **SERVICE AND REPAIR.** The act of maintaining for operation a heating and air conditioning system which has previously been installed including parts replacement within a piece of equipment.

“(4) **BOARD.** The state board of heating and air conditioning contractors, herein established.

“(5) **HEATING AND AIR CONDITIONING SYSTEMS, or SYSTEM.** A heating and/or cooling apparatus consisting of an air heating and/or cooling fixture from pipes, plenums or blowers including any accessory and equipment installed in connection herewith; specifically excluding window units, automotive or farm implement type heating and/or air conditioning equipment.

“(6) **ADMINISTRATIVE PROCEDURES LAW.** Sections 41-22-1 through 41-22-27, and any subsequent amendment or supplements thereto, and any rules or regulations promulgated thereto.

“(7) **RESPONSIBLE CHARGE.** The direction of projects involving the installation or service and repair of heating and air conditioning systems requiring initiation, professional skills, technical knowledge and independent judgment.”

“§34-31-19.

“The purpose of this chapter is to certify qualified contractors on a state-wide basis in order to protect the public by identifying those contractors who have the knowledge and ability to install or service and repair heating and air conditioning systems.”

“§34-31-21.

“(a) The board shall elect from among its members a chairman and a secretary.

“(b) The chairman shall preside over meetings of the board or designate another member to preside in his absence.

“(c) The secretary shall keep the minutes, books and other records and files of the board. He shall issue all certificates in the name of the board and shall send out all notices and attend to all correspondence under the direction of the board. He shall receive and deposit all fees and perform such other duties as are incidental to his office as may be required by the board, and shall deposit said fees as provided by law.

“(d) The secretary shall give bond, payable to the governor, in the penal sum of \$5,000.00 for the faithful performance of his duties, and the premium therefor shall be paid from the fees of the board.

“(e) No moneys shall be withdrawn from the funds of the board except by direction of the board as provided by state law.

“(f) A majority of the board shall constitute a quorum for the transaction of all business.

“(g) The board is also authorized to adopt and publish minimum repair and service standards for its certified contractors, and shall mail a copy thereof to every certified contractor at least 30 days before the standard or criteria becomes effective. Certified contractors who fail to comply with such minimum standards and criteria shall be punished as prescribed in section 34-31-32(a) of this chapter.

“(h) The board is authorized to hold hearings, call witnesses, administer oaths, take testimony and obtain evidence in the conduct of its business. It is further authorized to take such disciplinary actions as are authorized in subsection (c) of Section 34-31-32 hereof.”

“§34-31-24.

“No individual, partnership or corporation shall advertise, solicit, bid, obtain permit, do business, or perform the function of a certified contractor unless the person or persons in responsible charge, as defined in section 34-31-18(7), are certified contractors.

“No official charged with the duty of issuing licenses to any individual, partnership or corporation to operate a business as a certified contractor shall issue such license unless there is presented for inspection a certificate of qualification as provided for herein issued by the board to the individual or to some person in responsible charge with the partnership or corporation.”

“§34-31-28.

“(a) All prospective certified contractors in this state desiring to qualify in accordance with the provisions of this chapter shall be required to stand for a written examination before the board. Any applicant failing to pass his first examination for a certificate shall be entitled to take any subsequent examination, either written or, upon request of the applicant, an oral or practical examination which is equivalent to the written examination, to be held within six months from the date of his first or latest unsuccessful examination.

“(b) All persons engaged in the business of installation or service and repair for a period of at least two years prior to September 30, 1988, or who were registered with the board as of April 7, 1988, shall apply with the board for certification not later than January 1, 1989. Such persons shall not be required to stand for an examination, but shall pay the same renewal fees which are charged all other certified contractors.

“(c) The board is hereby authorized to require a performance bond in the amount of \$5,000.00 per year for certified contractors who, upon valid complaint and investigation by the board, are found to have performed substandard installation, service and repair work.

“(d) Counties, municipalities or other local entities are hereby prohibited from requiring any further local testing or other requirements of certified contractors, subject to the payment of any applicable local privilege, license or business fees or charges.”

“§34-31-31.

“The board shall publish annually a list of names, addresses of all individuals and the name of their employer, if applicable, who are certified by the board, and shall mail a copy of said list to all qualified individuals so certified upon request to do so. The board may require a reasonable fee to cover the cost of producing and mailing said directory.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:55 P.M.

Act No. 88-933

H. 197—Reps. Spratt and Newton

AN ACT

To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Be It Enacted by the Legislature of Alabama:

Section 1. Article VI, Section 19 of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read as follows:

“Section 19. Payment of Benefits During Period of Re-employment.

“Anything herein to the contrary notwithstanding, no retirement benefits of whatever kind or description shall be payable to any former participant for any period during which said former participant is employed by the city, is due a salary from the city or has been paid a salary by the city, except persons elected by the people to serve the city shall have the option of continuing to receive either retirement benefits or the compensation for the office to which that person is elected, or that person may choose to receive both such benefits and compensation.”

Section 2. In the event that a court of competent jurisdiction finds any section, clause, sentence, or other portion of this act to be invalid, such finding shall not impair the part of this act which remains, it being the express intention of this Legislature that such remaining portion be severable and of continuing validity.

Section 3. The rights granted herein to City employees and officers shall also be granted hereby to employees and officers of Jefferson County, Alabama, to the full extent such rights can lawfully be granted in this act.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:56 P.M.

Act No. 88-934

H. 75—Reps. Grayson, Butler and Freeman

AN ACT

To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Huntsville in Madison County are hereby altered, extended, rearranged, and redefined so as to include within the corporate limits of said municipality, in addition to the territory included within the present corporate limits, the following described land situated in said county:

All that part of Sections 8, 9, 16, 17 and 20, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point lying on the Northeast corner of said Section 9 and on the existing Huntsville, Alabama, corporate limits; thence South along the East boundary of said Sections 9 and 16 and said corporate limits for approximately 7920 feet to the center of the East boundary of said Section 16; thence West along the North boundary of the South Half of said Section 16 and said corporate limits for approximately 5280 feet to the center of the West boundary of said Section; thence South along the East boundary of said Sections 17 and 20 for approximately 6600 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 20; thence West for approximately 5280 feet to the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 20; thence North along the West boundary of said Sections 20, 17 and 8 for approximately 14,520 feet to the Northwest corner of said Section 8; thence East for approximately 10,560 feet to the Northeast corner of said Section 9 and the point of beginning and containing 2,740 acres more or less.

This description encompasses land previously annexed to the City of Huntsville by Alabama Act 102 approved July 7, 1965, and by Huntsville Ordinances 74-257 and 87-498.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:57 P.M.

Act No. 88-935

H. 195—Reps. Newton and Spratt

AN ACT

To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular

Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 453 of the 1967 Regular Session of the Legislature of Alabama (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, is hereby further amended to contain an additional section to read as follows:

“Unclassified Services: Effective July 1, 1988, each newly hired or rehired employee of the library board who would otherwise be entitled to participate in the unclassified pension fund of the City of Birmingham and who is normally scheduled to work sixteen (16) days per month or more, shall be a participant in this System. Each such employee who is employed by the library board on July 1, 1988, and immediately preceding such day, shall have the option: (1) to elect to continue to participate in any unclassified pension plan which may be provided by the City of Birmingham thereby waiving any credit in this System under this provision; or (2) to elect participation in this System. Selection of option (2) will give such participant the right to purchase credit for prior library board service under terms as described in Article V, Section 7 of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, Purchase of Credit for Prior Unclassified Service, if such service totals less than ten years. Payment for such time under ten years may be made in full or by payroll deduction over a period not exceeding two years at an interest rate of six (6) percent per annum or as set by the Board of Managers. If such service totals more than ten years, selection of option (2) will provide the participant with credit for one-half of each year completed in the unclassified service of the City prior to becoming a participant or employee member and shall require the payment only of any refund of contributions from any unclassified service pension directly to this system. The option herein provided shall be exercised not later than December 31, 1988. In the event an individual does not exercise this option, that individual shall be continued in any unclassified system which may be available under option (1) above.”

Section 2. Any act or portion thereof which is in conflict with this act is hereby repealed to the extent of such conflict.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:58 P.M.

Act No. 88-936

H. 191—Reps. McDowell, Curry, McClain
and Newton

AN ACT

To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. The Elected Jefferson County Tax Collector is empowered to appoint one person to serve as Chief Deputy. Said appointee shall be a resident of the county at the time of his appointment and so long as he holds the position of the Chief Deputy.

Section 2. Said Chief Deputy shall present documentary proof of a minimum of three years experience in ad valorem property tax collections and shall hold certification by the State of Alabama as a Tax Administrator or, shall achieve such certification within three years of appointment. If the Alabama certification as tax administrator should cease to be available, appointee shall obtain comparable evidence of technical proficiency as may be required by the appointing authority.

Section 3. Said Chief Deputy shall be compensated at a rate equal to Jefferson County Merit System Class Thirty, however, in no event shall such compensation exceed ninety percent of the compensation received by the appointing authority. Funding for said Chief Deputy shall be prorated on the same basis as is provided for appointing officials, and compensation shall be paid in equal biweekly installments out of the County General Fund.

Section 4. Said Chief Deputy shall receive any and all benefits that are received by Merit System Employees, including longevity payments, and if he is a Merit System Employee at the time of his appointment, he may return to the Merit System upon termination of his appointment as provided in Act 80-730, H. 417, 1980 Regular Session.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 4:59 P.M.

Act No. 88-937

H. 190—Reps. McDowell, Curry and McClain

AN ACT

Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division; to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Assistant Sheriff, Bessemer Division of Jefferson County, Alabama, is hereby continued. The duties, responsibilities, qualifications and term of said Assistant Sheriff, Bessemer Division, shall remain the same as now provided by law.

Section 2. Whoever is serving in the office of Assistant Sheriff, Bessemer Division, at the time this bill becomes law shall continue to serve for the remainder of the term to which he or she was appointed. Subsequent appointments shall be made in the same manner as is now provided and eligibility for return to the Civil Service System as per Act No. 80-730 shall be continuing.

Section 3. Said Assistant Sheriff, Bessemer Division, shall receive all benefits that are received by Civil Service System employees and is to be compensated at a rate equal to three (3) Civil Service System pay grades (15%) higher than the total compensation received by the highest paid employee serving under the Sheriff, except that the total compensation received by the Assistant Sheriff, Bessemer Division, shall be maintained at a rate equal to the total compensation received by the Chief Deputy Sheriff, Birmingham Division. Compensation for the Assistant Sheriff, Bessemer Division, shall be paid in equal biweekly installments out of the county general fund.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:00 P.M.

Act No. 88-938 S.J.R. 76—Senators deGraffenried, Cabaniss, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MARY HARRIETT MOON HAND OF HEFLIN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mary Harriett Moon Hand of Heflin, Alabama, on September 17, 1988, at the age of 78 years; and

WHEREAS, a native of Ranburne, Alabama, and a longtime resident of Heflin, Mrs. Hand was a member of the Heflin United Methodist Church, Heflin Garden Club and the Retired Teachers Association; and was supportive also of other civic and charitable endeavors in the Heflin community; and

WHEREAS, preceded in death by her husband, Joseph Noel Hand, Mrs. Hand is survived by a daughter, Mary Jo Boyd; sons, Billy J. Hand, Noel E. Hand and Perry A. Hand; and by 13 grandchildren and ten great grandchildren; and

WHEREAS, the death of Mary Harriett Moon Hand has indeed left a deep void in the life of her community and in the hearts of her family, neighbors and friends who knew and loved her as a warm

and gracious lady of infinite care and concern for the happiness and well-being of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mary Harriett Moon Hand of Heflin, Alabama, and extend our very deepest sympathy to all her family, for whom copies of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

Approved September 30, 1988

Time: 5:01 P.M.

Act No. 88-939

S. 216—Senator Bennett

AN ACT

Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied and imposed in the county, in addition to all other taxes of every kind now imposed by law, a privilege or license tax on the sale of any automotive vehicle, truck trailer, semitrailer and house trailer required to be registered or licensed with the Lamar County judge of probate and purchased other than at wholesale in the county from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers an amount equal to three percent of the purchase price.

Section 2. There is hereby levied and imposed in the Lamar County, in addition to all other taxes of every kind now imposed by law, an excise or use tax on the storage, use or other consumption in the county of any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the Lamar County judge of probate and purchased other than at wholesale outside the state for storage, use or other consumption in Lamar County, a tax in an amount equal to three percent of the purchase price.

Section 3. Where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade or in a series of trades

as a credit or part payment on the sale of a new or used automotive vehicle, truck trailer, semitrailer or house trailer, the taxes levied by this act shall be paid on the net difference, that is, the price of the new or used vehicle or trailer sold less the credit for the used vehicle or trailer taken in trade.

Section 4. The taxes levied by this act shall be collected by the Lamar County tax collector at the same time and in the same manner as the tax levied by sections 40-23-101 and 40-23-102, Code of Alabama 1975, and shall be subject to all the same definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, deductions and discounts; provided, however, the tax collector shall not be entitled to receive additional compensation for collection of the tax authorized herein.

Section 5. The revenue collected by the tax collector pursuant to this act shall be distributed to the Lamar County Commission to be deposited in a special fund for the Lamar County Water Coordinating and Fire Prevention Authority. The Lamar County Commission shall distribute such funds to the Authority from time to time upon the written request of the chairman of the Authority. Such written request shall become a permanent record of the Lamar County Commission minutes and a copy of such request shall be retained by the Authority for inclusion in the permanent records of the Authority.

In the event this act shall become effective prior to the passage of an act providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, any funds held by the Lamar County Commission to the credit of the said Lamar County Water Coordinating and Fire Prevention Authority shall be held in escrow until such time as such Authority is incorporated.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective on the first day of the second month following the date of its enactment.

Approved September 30, 1988

Time: 5:02 P.M.

Act No. 88-940

S. 215—Senator Bennett

AN ACT

Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco

products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Lamar County a county privilege, license or excise tax up to the following amounts:

(1) Five cents for each package of cigarettes, made of tobacco or any substitute therefor.

(2) Five cents for each cigar of any description made of tobacco or any substitute therefor, except little cigars, such as Winchester cigars or cigarettos, which are similar to and which are packaged in the same manner as cigarettes, shall be taxed as cigarettes under subdivision 1 of section 1.

(3) Five cents for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(4) Five cents for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subdivision (3) of this section.

(5) Five cents for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

(6) Fifteen cents for each package of tobacco paper, both gummed and ungummed.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Upon passage of this act there is levied on every person, firm, corporation, club or association that sells or stores or receives for the purpose of distribution in Lamar County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, it being the purpose and intent of this

provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and the tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Lamar County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than \$100.00 or imprisoned in the county jail for not more than 60 days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. It shall be the duty of the county commission of Lamar County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Lamar County commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue, if requested by resolution of the Lamar County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax. However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly

promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

Section 4. The state department of revenue, if requested by resolution of the Lamar County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue to the Lamar County commission to be deposited in two separate accounts to the credit of either the Lamar County Water Coordinating and Fire Prevention Authority or the Lamar County Volunteer Fire and Rescue Association as follows:

(1) Fifty percent to the Lamar County Water Coordinating and Fire Prevention Authority;

(2) Thirty percent to the fire departments in Lamar County; and

(3) Twenty percent to the Lamar County Rescue Association with five percent of this directed to public licensed ambulance services if such services are authorized and created by such association.

The Lamar County Firefighters Association and the Lamar County Rescue Association shall have authority to promulgate rules and regulations having the force and effect of law for the distribution of the funds under subdivisions (2) and (3) of this section.

Distribution shall be made by the Lamar County commission to the separate accounts upon written request of the chairman of the respective Lamar County Water Coordinating and Fire Prevention Authority and the Lamar County Volunteer Fire and Rescue Association. Said written request shall be submitted to the Lamar County commission and shall become a permanent part of the minutes of

the commission. A copy of the written request shall be retained by the requesting authority or association to be entered in their permanent records.

In the event this act shall become effective prior to the passage of an act providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, any funds held by the Lamar County commission to the credit of the said Lamar County Water Coordinating and Fire Prevention Authority shall be held in escrow until such time as such authority is incorporated.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This act shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:03 P.M.

Act No. 88-941

S. 214—Senator Bennett

AN ACT

Relating to Winston County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; providing for the distribution of the proceeds therefrom; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Winston County a county privilege, license or excise tax up to the following amounts:

(1) Five cents for each package of cigarettes, made of tobacco or any substitute therefor.

(2) Five cents for each cigar of any description made of tobacco or any substitute therefor, except little cigars, such as Winchester cigars or cigarettos, which are similar to and which are packaged in the same manner as cigarettes, shall be taxed as cigarettes under subdivision 1 of section 1.

(3) Five cents for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(4) Five cents for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subdivision (3) of this section.

(5) Five cents for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

(6) Fifteen cents for each package of tobacco paper, both gummed and ungummed.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Upon passage of this act there is levied on every person, firm, corporation, club or association that sells or stores or receives for the purpose of distribution in Winston County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and the tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Winston County in

the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than \$100.00 or imprisoned in the county jail for not more than 60 days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. It shall be the duty of the county commission of Winston County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Winston County commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue, if requested by resolution of the Winston County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax. However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

Section 4. The state department of revenue, if requested by resolution of the Winston County commission, to collect all county privilege licenses or taxes specified in section 1, for as long as the department is requested to collect said levies, is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue to the Winston County commission to be deposited in two separate accounts to the credit of either the Winston County Water Coordinating and Fire Prevention Authority or the Winston County Volunteer Fire and Rescue Association as follows:

- (1) Fifty percent to the Winston County Water Coordinating and Fire Prevention Authority;
- (2) Thirty-five percent to the fire departments in Winston County; and
- (3) Fifteen percent to the Winston County Rescue Association with five percent of this directed to public licensed ambulance services if such services are authorized and created by such association.

The Winston County Firefighters Association and the Winston County Rescue Association shall have authority to promulgate rules and regulations having the force and effect of law for the distribution of the funds under subdivisions (2) and (3) of this section.

Distribution shall be made by the Winston County commission to the separate accounts upon written request of the chairman of the respective Winston County Water Coordinating and Fire Prevention Authority and the Winston County Volunteer Fire and Rescue Association. Said written request shall be submitted to the Winston County commission and shall become a permanent part of the minutes of the commission. A copy of the written request shall be retained by the requesting authority or association to be entered in their permanent records.

In the event this act shall become effective prior to the passage of an act providing for the incorporation of the Winston County Water Coordinating and Fire Prevention Authority, any funds held by the Winston County commission to the credit of the said Winston County Water Coordinating and Fire Prevention Authority shall be held in escrow until such time as such authority is incorporated.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This act shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall be effective and operative only if it shall have been approved by a majority of the qualified electors of Winston County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held at the first of any special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. Notice of the election shall be given by the judge of probate of Winston County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law passed at the 1988 Special Session of the Legislature which authorizes the Winston County commission to levy and collect a special county privilege and license tax and special county excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products?”

Yes () No ().”

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative the act shall have no legal effect. The judge of probate of Winston County shall certify the results of the election to the secretary of state and to the state revenue department immediately after the returns have been certified.

Approved September 30, 1988

Time: 5:04 P.M.

Act No. 88-942

S. 98—Senator deGraffenried

AN ACT

To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer

credit sales with an original term of more than 61 months and to clarify method of refund in all other cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-19-4, Code of Alabama 1975, is hereby amended to read as follows:

“§5-19-4.

“(a) When a scheduled payment is in default 10 days or more, the creditor may charge and collect a late charge not exceeding five percent of the amount of such scheduled payment in default or of \$.50 on each such scheduled payment in default, whichever is greater, not to exceed \$100.00. Such late charge may be collected only once on any scheduled payment, regardless of the period during which it remains in default.

“(b) With respect to the deferral of one or more wholly unpaid scheduled payments of a loan, or credit sale or lease, the creditor may collect, by agreement with the debtor either before or after default, an additional charge for each full month that any wholly unpaid scheduled payments are outstanding after the due date of each such scheduled payment equal to that proportion of the finance charge which the amount of the deferred monthly scheduled payment bears to the sum of all monthly balances originally scheduled.

“(c) When any debt is paid in full before the final scheduled payment date, the debtor may do so without penalty, and the creditor shall refund or credit the debtor with not less than that portion of the finance charge which shall be due the debtor as follows:

“(1) (i) In the case of a consumer loan or a consumer credit sale with an original term of more than 61 months according to any generally accepted actuarial method of computation established or otherwise approved by the administrator; and

“(ii) In all other cases according to the rule of 78ths or sum of the digits method meaning the amount of the refund or credit shall be as great a proportion of the finance charge originally contracted for as the sum of the periodic time balances of the debt scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the debt, both sums to be determined according to the scheduled payment originally contracted for.

“(2) No refund of less than \$1.00 need be made.

“(3) If such prepayment is made by the debtor other than on a scheduled payment date, the nearest scheduled payment date shall be used in such computation.

“(d) When any debt is renewed or refinanced by any creditor or creditor’s affiliate within a period of 90 days from the date such

debt is made or incurred, the debtor shall be entitled to a pro rata refund or credit of that unearned portion of the original finance charge computed as of the date of such refinancing or renewal. When such renewal or refinancing occurs after 90 days, then such refund or credit shall be calculated as provided in subsection (c) above.

“(e) When any debt is renewed or refinanced by the creditor or an affiliate of the creditor, any minimum finance charge for a credit sale shall be reduced to the finance charge which is otherwise permitted by subsection (a) of section 5-19-3.

“(f) Notwithstanding the provisions of section 5-19-10, and section 5-19-20(a), a creditor may charge and collect in a transaction secured by real property the following fees and charges if bona fide and reasonable in amount provided such fees are paid to parties unrelated to the creditor:

“(1) Fees for title examination, abstract of title, title insurance, property survey, and similar purposes;

“(2) Fees for preparing deeds, mortgages, and reconveyance, settlement, and similar documents;

“(3) Notary, appraisal, and credit report fees; and

“(4) Fees and charges prescribed by law which are or will be paid to public officials or agencies for recording or releasing a lien on property which secured the loan, provided however that a releasing fee may only be charged and collected at the time the debt is paid in full.

“(g) Notwithstanding the provisions of this or any other section of this chapter, a creditor may, pursuant to contract, in a consumer loan or consumer credit sale secured by an interest in real property, charge and collect points in an amount not to exceed five percent of the original principal balance in the case of a closed-end loan or credit sale, or five percent of the total line of credit in the case of an open-end credit plan. Points may be paid in cash at the time of the loan or credit sale, or may be deducted from the proceeds and included in the original principal balance. Points shall be in addition to all other charges and are fully earned on the date of the loan or credit sale and may be excluded from the finance charge for the purpose of computing the finance charge refund.

“(h) Subsections (a), (b), (c), (d), and (e) of this section shall not apply to open-end credit plans.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:05 P.M.

Act No. 88-943

S. 52—Senators Amari, Bedford and Hale

AN ACT

To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 43-2-502 of the Code of Alabama 1975, is hereby amended to read as follows:

“§43-2-502.

“In making settlements of an administration, the executor or administrator must proceed as follows:

“He must make out an account between himself and the estate he represents, charging himself with all the assets of the deceased which have come into his possession, except the lands, and crediting himself with all the credits he is by law entitled to; which account, verified by his oath, must be filed with the judge of probate of the court having jurisdiction.

“With such account he must also file written evidence in his possession, on which he relies to sustain the credit side of such account, which may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

“He must, at the same time, file a statement, on oath, of the names of the heirs and legatees of such estate, specifying particularly which are under the age of 19 years; and, if any of them are persons of unsound mind, it must be stated; but if the names, ages or condition of such heirs or legatees are unknown and they reside out of the state, they may be made parties as unknown heirs or legatees.

“He must state the sum of funds of the estate which he has used for his own benefit, the time and the profit resulting from such use, if over legal interest, or, if he has not so used any of the funds of the estate for his own benefit, he must expressly deny on oath that he has so used such funds, and any party interested in the estate may contest the same.

“He shall be allowed all reasonable premiums paid on his bond as administrator or executor.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:06 P.M.

Act No. 88-944

S. 34—Senators Drinkard, Rice, Foshee, Denton, Goodwin, Campbell, Langford, Bedsole, Dixon, Dial and Mitchem

AN ACT

To make an appropriation of \$75,000 from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Coosa-Alabama River Improvement Association from the State General Fund the amount \$75,000 for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:07 P.M.

Act No. 88-945

S. 29—Senator Mitchem

AN ACT

To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from

an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-257, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“Section 9-11-257.

“Any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, who hunts or discharges any firearm from, upon or across any public road, public highway, or railroad, or the rights-of-way of any said public road, public highway, or railroad, logging railroads excepted, in this state, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of not less than \$250.00, and shall be punished for the second and each subsequent offense by a fine of not less than \$500.00 and shall have all hunting license privileges revoked for one year from the date of conviction.”

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:08 P.M.

Act No. 88-946

S. 127—Senators Bennett, Cabaniss
and Parsons

AN ACT

Relating to Jefferson County; to provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. The elected Jefferson County Assistant Tax Collector, Bessemer Division, is empowered to appoint one person to serve as Chief Deputy. Said appointee shall be a resident of the

county at the time of their appointment and so long as they hold the position of Chief Deputy.

Section 2. Said Chief Deputy shall present documentary proof of a minimum of three years experience in ad valorem property tax collections and shall hold certification by the State of Alabama as a Tax Administrator, or shall achieve such certification within three years of appointment. If the Alabama certification as Tax Administrator should cease to be available, appointee shall obtain comparable evidence of technical proficiency as may be required by the appointing authority.

Section 3. Said Chief Deputy shall be compensated at a rate equal to Jefferson County Merit System Class Thirty, however, in no event shall such compensation exceed ninety percent of the compensation received by the appointing authority. Funding for said Chief Deputy shall be prorated on the same basis as provided for appointing officials, and compensation shall be paid in equal biweekly installments out of the County General Fund.

Section 4. Said Chief Deputy shall receive any and all benefits that are received by Merit System Employees, including longevity payments, and if they are Merit System Employees at the time of their appointment, they may return to the Merit System upon termination of their appointment as provided in Act 80-730, H. 417, 1980 Regular Session (Acts 1980, p. 1475).

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:09 P.M.

Act No. 88-947

S. 199—Senator Horn

AN ACT

To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any provision of law to the contrary, Act 87-761 as passed by the Legislature in the 1987 Regular Session amending Section 4 of Act No. 86-645 as passed the Legislature in the First Extraordinary Session of 1986 is hereby amended to read as follows:

“Section 4. A sum equivalent to eight million dollars (\$8,000,000) is hereby appropriated into Fund No. 305735 from the State General Fund to be paid in quarterly allotments beginning October 1, 1987 for the fiscal year ending September 30, 1988. A sum equivalent to seven million dollars (\$7,000,000) is hereby appropriated into Fund No. 305735 from the State General Fund to be paid in quarterly allotments beginning October 1, 1989 for the fiscal year ending September 30, 1990.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:10 P.M.

Act No. 88-948

S. 141—Senator Hilliard

AN ACT

To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 is hereby amended to read in full as follows:

“There shall be established and constituted in accordance with the terms of this section a park and recreation board for the city. The planning of a park system, administration, improvement, development, conduct and supervision of the parks, park areas, park boulevards, playgrounds, recreational centers and other recreational

activities of the city shall be vested in the park and recreation board of the city, which shall be composed of five members or commissioners, who shall be residents of such city, and four of whom shall not be members of the governing body of the city. Each commissioner of said board shall receive an expense allowance in the amount of Seventy-five and 00/100 Dollars (\$75.00) per meeting attended; provided, however, that board members shall not be paid such expense allowance for more than two meetings in any month. The president of said board shall receive an expense allowance of One Hundred and 00/100 Dollars (\$100.00) per meeting and the president shall not be paid such expense allowance for more than two meetings in any month. No commissioner who is also a member of the governing body of the City may receive this expense allowance. No accounting shall be required for such expense allowance. This expense allowance shall not be deemed to be compensation. This expense allowance shall qualify as per diem amount under Act No. 87-706 of the Legislature of Alabama of 1987. This expense allowance shall not reduce or limit the ability of the commissioners and president to receive reimbursement for further actual expense as approved by the Board. All commissioners shall be chosen solely because of their character and fitness. One member of the governing body of the city selected by such governing body shall at all times be a commissioner of said park and recreation board, provided that if there be in the city a member of the governing body whose department of the city government has the supervision of the parks of the city, such member shall by virtue of his office be a commissioner of the park and recreation board. Each of the other four commissioners of the park and recreation board first selected shall be chosen by the governing body of the city. The term of office of each commissioner of said board other than the one who is a member thereof by virtue of this membership in the governing body of the city shall be four years. As vacancies occur in the membership of the board by reason of the expiration of the terms of either of said four commissioners, or for any other reason, such vacancies shall be filled by nominations upon a majority vote of the governing body of the city, which nomination shall be certified to the park and recreation board and the remaining commissioners of the park and recreation board shall, by majority vote of such board within ten days of the receipt of the certification of nomination, appoint or decline to appoint the nominee of the governing body of the city to fill the vacancy in the park and recreation board which will exist by reason of the expiring term or otherwise. If the park and recreation board of the city declines to appoint the nominee of the governing body of the city it shall forthwith certify or cause to be certified to the governing body of the city such fact, and the governing body of the city forthwith in like manner shall make and certify another nomination to the park and recreation board of the city, and in like manner shall continue

to make and certify a nomination to the park and recreation board of the city, appoint a nominee of the governing body of the city and appoint or refuse to appoint the nominee as a commissioner of the park and recreation board, and each time the park and recreation board refuses to appoint a nominee of the governing body of the city as a commissioner of the park and recreation board, that fact must be certified to the governing body as required in the first instance."

Section 2. This act shall become effective immediately.

Approved September 30, 1988

Time: 5:11 P.M.

Act No. 88-949

H.J.R. 182—Reps. White (F),
Johnson (RW)
and Bugg

HOUSE JOINT RESOLUTION

REPEALING ACT NO. 145, HJR 105, 1975 REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE U. S. GOVERNMENT, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 145, HJR 105, 1975 Regular Session, is hereby repealed.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to each member of the Alabama delegation in the United States Congress and the Clerk of the United States House of Representatives and the Secretary of the United States Senate.

Approved September 30, 1988

Time: 5:12 P.M.

Act No. 88-950

H. 354—Rep. Williams

AN ACT

Relating to Dale County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, in Dale County, the proceeds of the beer tax collected pursuant to Act No. 82-344, H. 165, 1982 Regular Session shall be paid to the County Commission and distributed as follows:

1. 44.17% to the Dale County Commission;

2. The remaining 55.83% of the tax shall be distributed to each municipality according to beer sales in its respective corporate limits.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:13 P.M.

Act No. 88-951

H. 349—Reps. Logan and Britnell

AN ACT

Relating to Marion County; authorizing the county board of health to designate the services rendered by the county health department for which a reasonable fee may be charged and to set the appropriate fee for each service; and providing that no citizen shall be denied any service because of that person's inability to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County board of health shall designate the services rendered by the county health department for which fees may be charged and shall set the fee to be charged for each service. The health department is hereby authorized to charge and collect such fees. All fees collected shall be in addition to any and all federal, state and local appropriations. Any fees collected shall be processed in accordance with the recommendations of the state examiners of public accounts.

Section 2. Prior to establishing any fees, a public hearing with proper notice shall be held.

Section 3. No person shall be denied any service because of that person's inability to pay. The county board of health may establish a sliding fee scale based on one's ability to pay.

Section 4. This act shall not apply to nor affect any fees otherwise authorized, set or collected under state or federal law or regulations and shall not affect funding from the state in any way.

Section 5. All fees collected pursuant to this act are hereby appropriated to the health department which collected such fees.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1988

Time: 5:14 P.M.

ALABAMA LAWS
And Joint Resolutions
SECOND EXTRAORDINARY SESSION 1988

Act No. 88-952

H. 8—Rep. Turner

AN ACT

To levy a privilege tax, on the pari-mutuel pool at any dog race track in the State of Alabama; to provide for the total take out by a licensee on pari-mutuel pools; to provide for the assessment and collection of such tax; to confer powers and impose duties on the Department of Revenue; to prescribe penalties for non-compliance; to provide for the distribution of the proceeds of such tax; and to provide for the requirements and procedures for the withholding of income tax due the State of Alabama on certain winnings from gambling and wagering and the requirements and procedures for the remittance of such withholding to the Department of Revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of this Act, the following terms shall have the respective meanings ascribed to them by this section except where the context clearly indicates a different meaning:

(1) **COMMISSIONER.** The Commissioner of the Department of Revenue of the State of Alabama.

(2) **DEPARTMENT.** The Alabama Department of Revenue.

(3) **PARI-MUTUEL.** A system of betting on races whereby the winners divide the total amount bet, after deducting authorized taxes, fees and management expenses, in proportion to the sums wagered individually.

(4) **PARI-MUTUEL POOL.** The total amount wagered under the pari-mutuel betting system in any particular race.

(5) **PERSON.** Individuals, firms, partnerships, companies, corporations, associations, trustees, receivers, the State of Alabama and any of its agencies, authorities, boards, bureaus, commissions, departments and instrumentalities, each incorporated municipality and any agencies, authorities, boards, bureaus, commissions and departments of such municipalities, and the several counties of the State of Alabama and any agencies, authorities, boards, bureaus, commissions and departments of such counties, and any other political subdivisions of the State of Alabama by whatever name or description.

(6) **STATE.** The State of Alabama.

(7) **WINNINGS SUBJECT TO WITHHOLDING.** Proceeds from a wagering transaction in those amounts and sources as defined in 26 USC 3402, as amended from time to time.

(8) **PROCEEDS FROM A WAGER.** Those proceeds as described in 26 USC 3402, as amended from time to time.

(9) **WAGERING TRANSACTION.** A wagering transaction as described in 26 USC 3402, as amended from time to time.

Section 2. (a) In addition to any and all other taxes imposed by law, there is hereby levied, upon every person engaged in the business of operating a dog race track in the State of Alabama, a privilege tax of one percent of the pari-mutuel pool on all pari-mutuel races.

(b) In addition to the tax levied by Section 2(a) of this Act and in addition to any and all other taxes imposed by law, there is hereby levied, upon every person engaged in the business of operating a dog race track in the State of Alabama, a privilege tax of one percent (1%) of the pari-mutuel pool on all pari-mutuel races requiring the selection of three or more racers.

(c) Notwithstanding the provisions of any local or general act to the contrary, any dog race track licensee authorized to conduct pari-mutuel racing shall be entitled to retain as a commission from the pari-mutuel pool (the "take out") an amount equal to 19% of all pari-mutuel pools where a bettor is required to select two or less racers and an amount equal to 21% where a bettor is required to select three or more racers. The tax levied in Section 2 above is not imposed to extent that it would require a licensee to increase the commissions above said amounts in order to receive such tax from the pari-mutuel pool.

Section 3. On or before the twentieth day of each month, every person on whom the taxes levied by this Act are imposed shall render to the department of revenue, on a form prescribed by the department, a true and correct statement showing the pari-mutuel pool gross receipts of his race track operation for the next preceding month, together with such other information as the department may demand and require. At the time of making such monthly report such person shall compute and pay the amount of taxes shown to be due.

Section 4. All persons subject to the provisions of this Act shall keep for not less than three years, such books, documents, records or other papers as will clearly show the amount of tax due and such books, documents, records or other papers shall be open

for examination at any time by the department of revenue or its duly authorized agents.

Section 5. Any person subject to this Act who shall fail to make any report required of him by the department of revenue or shall fail to keep any of the records required herein shall be guilty of a class B misdemeanor. Each month of such failure shall constitute a separate offense.

Section 6. Any person who fails to pay the tax herein levied within the time required shall pay, in addition to the tax, a penalty of twenty-five percent of the amount of tax due, together with interest thereon at the rate established by the secretary of the treasury under the authority of 26 USCA §6621, per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as part of the tax. The department of revenue, if a good and sufficient reason is shown, may waive or remit the penalty of twenty-five percent, or a portion thereof.

Section 7. If any taxpayer fails to make the returns herein required, the department shall make a return for such delinquent taxpayer upon such information as it may reasonably obtain, and shall assess the taxes due thereon, and shall add a penalty for failure to make such return of twenty-five percent of the tax due, as assessed by the department, and interest at the rate established by the secretary of the treasury under the authority of 26 USCA §6621, per month, or fraction thereof, from the date such taxes were due. The department, if a good and sufficient reason is shown for such delinquency, may waive or remit the twenty-five percent penalty, or a portion thereof.

Section 8. Whenever the department, in examining and auditing the records of any taxpayer, or from other information, shall ascertain that the amount, or amounts, previously paid by any taxpayer for any period, or periods, is incorrect, the department shall compute the correct amount of tax due, and if it appears that the amount paid by the taxpayer is in excess of the correct amount due, such excess shall be refunded to the taxpayer in accordance with law and under the rules and regulations of the department. If it appears that the amount paid by such taxpayer is less than the amount due, the department shall compute the amount of such deficiency and interest, as provided for in Section 8, and shall notify the taxpayer, and shall demand payment therefor. If the amount demanded is not paid within ten days from the date of such demand, or if the taxpayer does not request an extension of time within ten days from the date of such demand, the department shall make an assessment against the taxpayer of the amount due and shall add a penalty of one percent per month from the date such taxes or any

part thereof became due. The department may, if a good and sufficient reason is shown, waive or remit the penalty, or a portion thereof. If within ten days from the date of notice of a deficiency the taxpayer requests in writing an extension of time, the department may grant an extension of thirty days. If at the end of such extended period, the deficiency has not been paid, the department shall proceed with the assessment. If the department is of the opinion that there was a willful or fraudulent intent by the taxpayer to evade the tax due, it may assess a penalty of twenty-five percent of the tax, which penalty shall be reviewable upon appeal.

Section 9. Whenever the department shall make an assessment against a taxpayer as herein provided, the department shall notify the taxpayer by registered or certified mail of the amount of such assessment, and shall notify the taxpayer that he may appear before the department on a day named not less than twenty days from date of such notice and show cause why such assessment should not be made final. Such appearance may be made by agent or attorney. If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the department, such assessment shall be made final in the amount originally fixed or in such other amount as is determined by the department to be correct. If upon such hearing the department finds the amount due to be different from that originally assessed, it shall make the assessment final in the correct amount and in all cases shall notify the taxpayer of the assessment as finally fixed. A notice by the United States mail addressed to the taxpayer's last known place of business shall be sufficient. Any assessment made by the department shall be prima facie correct upon appeal.

Section 10. (a) Whenever any taxpayer, who has duly appeared and protested an assessment by the department, is dissatisfied with the assessment as finally made, such taxpayer may appeal in all respects in the same manner provided by Section 40-2-22, Code of Alabama 1975, as amended. No appeal shall lie in cases where the taxpayer has failed to appear and protest.

(b) Any notice, provided for by this Act, of an amount due under this Act shall be given or any action in court for the collection of such amount shall be begun within four years of the due date of such amount. However, in the case of a false or fraudulent return with intent to evade payment of taxes imposed by this Act or a failure to file a return, the tax may be assessed or a proceeding in court for the collection of such tax may be begun at any time. The department of revenue and the taxpayer, before the expiration of the time prescribed herein, may agree in writing to an extension of the time during which such proceedings may be begun. The period so agreed upon may be extended by subsequent agreements in writing

made before the expiration of the period previously agreed upon. The department of revenue shall also be authorized in such agreement to extend equally the period within which the taxpayer may file a claim for refund of such taxes where such agreement is entered into before a claim for refund is barred because of the lapse of time.

Section 11. The taxes imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder.

Section 12. (a) If any final assessment of taxes herein levied be not paid within thirty days after such assessment becomes final and if no appeal has been taken, in cases where an appeal is authorized, the department shall issue an execution therefor directed to any sheriff of the state of Alabama commanding said sheriff to levy upon and sell the real and personal property of the person against whom such execution is directed, found in the county of said sheriff, together with all penalties assessed.

(b) The sheriff thereupon shall levy upon any property of the taxpayer with like effect and in the manner prescribed by law in respect to execution issued upon judgments of the circuit court or court of like jurisdiction, and the remedies of attachment and garnishment shall apply fully to such execution, and the officer shall be entitled to the same fees for his services as now allowed by law for like services to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within sixty days of the issuance thereof to the department and upon such return alias or pluries executions may be issued by the department which shall be executed in the same manner. Such lien shall not be valid against any mortgagee, purchaser, or judgment creditor until notice has been filed in the office of the judge of probate as provided for under Section 40-1-2, Code of Alabama 1975, as amended.

Section 13. The tax herein levied shall constitute a debt due the state of Alabama and may be collected by civil suit, in addition to the methods herein provided, brought at any time within four years after the tax has become due and payable.

Section 14. Any taxpayer who shall violate any of the provisions of this Act may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the state of Alabama by its attorney general, by the counsel of the department or, under their direction, by any circuit solicitor of the state until such person shall have complied with the provisions of this Act.

Section 15. If it is brought to the attention of the department that any taxpayer subject to this article is guilty of violating any of

the provisions of this article, the department is hereby authorized and required, through lawfully authorized counsel, to proceed in the courts of the state to obtain a writ of injunction, which writ shall be granted by the court when applied for in the manner prescribed by law. The department, however, is hereby relieved of the requirement to furnish bond of any character.

Section 16. The department of revenue is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce, rules and regulations, relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act, and the collection of taxes, penalties and interest imposed by this Act.

Section 17. (a) Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, and the cost of operation and management of said department, pertaining to the administration and enforcement of the provisions of this Act, shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this Act; provided, however, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Section 41-4-80 through 41-4-96 of the Code of Alabama 1975, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year.

(b) After payment of the aforesaid expenses, the balance of the taxes collected under the provisions of this Act shall be deposited in the State Treasury to the credit of the State General Fund.

Section 18. (a) Each person making any payment of proceeds from a wager which constitutes "winnings subject to withholding" as defined by section 1 of this act, shall deduct and withhold income tax in the amount of five percent (5%) of the payment.

(b) Each person making withholding of state income taxes as required by this act shall remit the same to the state revenue department in the same manner and at the same time as that provided for payments of other withheld income taxes as set out in Article 2, Chapter 18, Title 40, Code of Alabama 1975, and shall be subject to the same penalties as provided therein. Each person required to make withholding of state income taxes, who shall fail to do so, shall be personally liable for all amounts required to be withheld as provided in sections 40-18-74, 40-18-76, 40-29-73 and 40-29-111, Code of Alabama 1975.

(c) Any person receiving proceeds from a wager which constitutes winnings subject to withholding shall furnish the payer a statement, made under the penalties of perjury, which contains such information

as shall be designated by the State revenue department as necessary to identify the recipient for tax compliance purposes.

(d) The payer shall furnish to the recipient a statement of the amount of winnings subject to withholding and the amount of tax withheld in accordance with procedures which shall be established by the state revenue department. Furthermore, the payer shall report to the department of revenue the payment of all such proceeds from wagers in those amounts as the same are required to be reported pursuant to 26 USC 6041, as amended from time to time.

(e) Each person for whom income tax was withheld pursuant to this act shall be entitled to a credit therefor against any income tax liability due this state as imposed by Chapter 18, Title 40, Code of Alabama 1975.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 21. This Act shall become effective 30 days after its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved September 30, 1988

Time: 5:30 P.M.

Act No. 88-953

H. 9—Rep. Harper

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1988-89 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are

shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total		
General Fund	Trust Fund	Appropriation Total

2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC ACCOUNTS, DEPART- MENT OF:

(a) Legislative Support-Audit Services Program	8,425,687
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SOURCE OF FUNDS:

(1) State General Fund	8,225,687
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(2) Federal Funds	200,000		
Total Department of Examiners of Public Accounts	8,225,687	200,000	8,425,687
2. LAW INSTITUTE, ALA- BAMA:			
(a) Support of Other Educational Activities Program			315,122
SOURCE OF FUNDS:			
(1) State General Fund	315,122		
Total Alabama Law Institute	315,122		315,122
3. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		
Pursuant to Section 29-6-1 et seq., Code of Alabama 1975.			
Total Legislative Council	212,200		212,200
4. LEGISLATIVE FISCAL OF- FICE:			
(a) Legislative Operations and Support Program (to include program review and evaluation)			948,809
SOURCE OF FUNDS:			
(1) State General Fund	948,809		
Total Legislative Fiscal Office	948,809		948,809
5. LEGISLATIVE REFER- ENCE SERVICE:			
(a) Legislative Operations and Support Program			1,094,243
SOURCE OF FUNDS:			
(1) State General Fund	1,094,243		

Total Legislative Reference Service	1,094,243	1,094,243
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6. LEGISLATURE:

(a) Legislative Operations and Support Program		8,500,000
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It is the intent of the Legislature that (1) the above appropriation shall include funds for the necessary technical expenses associated with reapportionment, (2) that at least \$50,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee, and (3) that at least \$50,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the Office of the Speaker of the House.

The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	8,500,000	
Total Legislature	8,500,000	8,500,000

7. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		72,667
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SOURCE OF FUNDS:

(1) State General Fund	72,667	
Total National Conference of State Legislatures	72,667	72,667

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program		1,156,729
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SOURCE OF FUNDS:

(1) State General Fund	1,156,729	
Total Court of Civil Appeals	1,156,729	1,156,729

2. COURT OF CRIMINAL AP-
PEALS:

(a) Court Operations Program		1,729,106
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SOURCE OF FUNDS:

(1) State General Fund	1,729,106	
Total Court of Criminal Appeals ..	1,729,106	1,729,106

3. JUDICIAL INQUIRY COM-
MISSION:

(a) Administrative Services Program		120,000
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SOURCE OF FUNDS:

(1) State General Fund	120,000	
Total Judicial Inquiry Commission	120,000	120,000

4. JUDICIAL RETIREMENT
FUND:

(a) Retirement Systems Program		1,524,500
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SOURCE OF FUNDS:

(1) State General Fund	1,524,500	
Total Judicial Retirement Fund ...	1,524,500	1,524,500

5. SUPREME COURT:

(a) Court Operations Program		4,455,494
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SOURCE OF FUNDS:

(1) State General Fund	4,455,494	
Total Supreme Court	4,455,494	4,455,494

6. UNIFIED JUDICIAL SYS-
TEM:

(Administrative Office of Courts)

(a) Court Operations Program		57,848,108
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(b) Administrative Services Program		3,200,000
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(c) DUI Referral Program	100,000
(d) Fringe Benefit Program, Estimated	300,000

SOURCE OF FUNDS:

(1) State General Fund	60,970,108		
(2) State General Fund-Social Security-County Judicial, Estimated	300,000		
(3) Clerks and Registers Super-numerary Fund		178,000	
Total Unified Judicial System	61,270,108	178,000	61,448,108

2C. EXECUTIVE:

1. ACADEMY OF HONOR,
ALABAMA:

(a) Historical Resources Management Program	1,784
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SOURCE OF FUNDS:

(1) State General Fund	1,784		
As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.			
Total Alabama Academy of Honor	1,784		1,784

2. ACCOUNTANCY, ALA-
BAMA STATE BOARD OF
PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program	341,699
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	341,699
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As provided in Section 34-1-22,
Code of Alabama 1975. In addition
to the amounts appropriated
hereinabove to the State
Board of Public Accountancy,
there is hereby appropriated such
an amount as may be necessary

to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	341,699	341,699
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program	222,400
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SOURCE OF FUNDS:

(1) State General Fund	11,200
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For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, Code of Alabama 1975.

(2) State General Fund, Estimated	200,000
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For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975.

(3) State General Fund-Administrative Costs	11,200
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Total Board of Adjustment	222,400	222,400
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4. AERONAUTICS, DEPARTMENT OF:

(a) Airport Development and Aeronautical Support Program	867,986
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SOURCE OF FUNDS:

(1) Airport Development Fund	867,986
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As provided by Section 4-2-42, Code of Alabama 1975.

Total Department of Aeronautics	867,986	867,986
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program	16,686,225
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(b) Medicaid Waiver Services Program	6,271,024
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,320,036		
(2) State General Fund-Transfer Medicaid Waiver	1,694,879		
(3) Federal, Local and Miscella- neous Funds		19,942,334	
Total Commission on Aging	3,014,915	19,942,334	22,957,249

The Commission on Aging shall contract with the Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home-and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program	2,219,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,149,926	
(2) Miscellaneous Funds		70,000

As provided in Section 9-8A-4.1,
Code of Alabama 1975.

Total Agricultural and Conservation Development Commission	2,149,926	70,000	2,219,926
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program			50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000		
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Total Alabama Agricultural and Industrial Exhibit Commission	50,000		50,000
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8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program			859,749
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SOURCE OF FUNDS:

(1) State General Fund	169,354		
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For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975, and other livestock shows and expositions.

(2) State General Fund-Transfer-Operations	122,603		
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(3) State General Fund-Transfer-Livestock Coliseum	282,982		
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(4) Livestock Coliseum Fund		284,810	
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Total Agricultural Center Board ..	574,939	284,810	859,749
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9. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program			1,782,511
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(b) Agricultural Inspection Services Program			10,553,791
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(c) Laboratory Analysis and Disease Control Program			3,968,608
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(d) Agricultural Development Services Program			2,432,872
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,925,878
(2) Federal, Local and Miscellaneous Funds	2,295,904
(3) Shipping Point Inspection Fund	4,228,805

Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund	4,287,195		
Total Department of Agriculture and Industries	7,925,878	10,811,904	18,737,782

10. ALABAMA TRUST FUND BOARD:

(a) Administrative Program	35,886
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	35,886		
Total Alabama Trust Fund Board	35,886		35,886

11. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program	22,029,145
(b) Enforcement Program	5,886,000

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year

1988-89 shall not be reduced below the level of services provided in this program in fiscal year 1987-88.

(c) Administrative Services

Program

4,044,840

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000 and a transfer to the Department of Public Safety of \$2,000,000. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund

31,959,985

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that,

in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage
Control Board

31,959,985 31,959,985

12. ARCHITECTS, BOARD
FOR REGISTRATION OF:

(a) Professional and Occupational
Licensing and Regulation
Program

215,000

SOURCE OF FUNDS:

(1) Fund of the Board for Regis-
tration of Architects

215,000

As provided in Section 34-2-41,
Code of Alabama 1975.

Total Board for Registration of Architects	215,000	215,000
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13. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program	2,677,074
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SOURCE OF FUNDS:

(1) State General Fund	2,556,704	
(2) Federal Funds	120,370	

Total Department of Archives and History	2,556,704	120,370	2,677,074
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14. ATTORNEY GENERAL, OFFICE OF THE:

(a) Legal Advice and Legal Services Program	6,783,322
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(b) Fair Marketing Practices Program	605,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,750,000	
(2) State General Fund-Transfer-Consumer Protection	550,000	
(3) Transfer from Department of Human Resources	404,099	
(4) Federal, Local and Miscellaneous Funds	684,223	

Total Office of the Attorney General	6,300,000	1,088,322	7,388,322
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In addition to the above appropriation to the Office of the Attorney General, there is hereby appropriated the amount of \$611,000 to be conditional upon obtaining federal funds and it being used solely to continue operation of a Drug Enforcement Division and as a state match for Federal Task Force Grants. Said funds may also be available

for use as a state match for Federal Drug Grants and other Federal Grants; and unused funds will remain part of the overall General Fund and will not be allotted to the Office of the Attorney General.

15. AUDITOR, STATE:

(a) Fiscal Management Program	811,565
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SOURCE OF FUNDS:

(1) State General Fund	811,565	
Total State Auditor	811,565	811,565

16. BANKING DEPARTMENT, STATE:

(a) Charter, License and Regulate Financial Institutions Program	2,828,141
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SOURCE OF FUNDS:

(1) Banking Assessment Fees	2,522,441	
As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund	305,700	
As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, Code of Alabama 1975.		
Total State Banking Department	2,828,141	2,828,141

17. BAR ASSOCIATION, ALABAMA STATE:

(a) Professional and Occupational Licensing and Regulation Program	1,321,875
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SOURCE OF FUNDS:

(1) State Bar Association Fund ...	1,186,220	
As provided in Sections 34-3-4 and Section 34-3-44, Code of Alabama 1975.		
(2) Local Funds, Estimated	135,655	
As provided in Section 34-3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.		

Total Alabama State Bar Association	1,321,875	1,321,875
18. BEAR CREEK DEVELOPMENT AUTHORITY:		
(a) Water Resource Development Program		54,535
SOURCE OF FUNDS:		
(1) State General Fund	54,535	
Total Bear Creek Development Authority	54,535	54,535
19. BUILDING COMMISSION, STATE:		
(a) Special Services Program		1,197,016
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	796,206	
(2) Federal, Local and Miscellaneous Funds		400,810
Total State Building Commission	796,206	400,810
20. CAHAWBA ADVISORY COMMITTEE:		
(a) Historical Resources Management Program		9,550
SOURCE OF FUNDS:		
(1) State General Fund	9,550	
Total Cahawba Advisory Committee	9,550	9,550
21. CHILD ABUSE AND NEGLECT PREVENTION BOARD:		
(a) Social Services Program		451,909
In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.		
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	275,000	
(2) Children's Trust Fund, Estimated		176,909

Total Child Abuse and Neglect Prevention Board	275,000	176,909	451,909
<hr/>			
22. CHIROPRACTIC EXAM- INERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			75,750
SOURCE OF FUNDS:			
(1) Alabama State Board of Chi- ropractic Examiner's Fund		75,750	
As provided in Section 34-24-143, Code of Alabama 1975.			
<hr/>			
Total Alabama State Board of Chi- ropractic Examiners		75,750	75,750
<hr/>			
23. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program			760,000
(b) Outdoor Recreation Sites and Services Program			25,161,700
(c) Marine Police Program			3,309,946
(d) Wildlife Game and Fish Program			12,835,500
(e) Marine Resources Program			2,072,000
Of the above appropriation, \$50,000 shall be used for the oyster planting program.			
(f) Land and Water Conservation Program			1,200,000
(g) Administrative Services Program			2,648,399
The appropriation to the Depart- ment of Conservation and Nat- ural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation ex- penses. The appropriation to the			

Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,961,700	
(2) Game and Fish Fund		12,835,500
(3) State Lands Fund		760,000

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund	2,072,000	
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(5) Marine Police Fund	3,309,946	
(6) State Parks Fund	300,000	
(7) Parks Revolving Fund	21,800,000	
(8) Administrative Funds	2,648,399	

The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., Code of Alabama 1975.

(9) Cigarette Tax	1,100,000	
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(10) Federal Land and Water Fund	1,200,000		
Total Department of Conservation and Natural Resources	1,961,700	46,025,845	47,987,545

24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program			401,122
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund	401,122		
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	401,122	401,122	
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25. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program			8,343,617
(b) Institutional Services Corrections Program			103,392,457
(c) Correctional Agricultural and Industries Program			19,949,300

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for

either the agribusiness element
or the industries element.

(d) Transfer to State General Fund from the Correctional Industries Revolving Fund	1,500,000
--	-----------

Notwithstanding any other law to
the contrary and specifically in-
cluding Section 5 of Act No. 87-
715, it is further the intent of
the Legislature that in accord-
ance with Section 14-7-20 of the
Code of Alabama, 1975, that this
transfer be made.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	108,936,074
(2) Department of Corrections Fund	24,249,300

The above amount shall include
\$1,500,000 to be transferred from
the Correctional Industries Re-
volving Fund to the State Gen-
eral Fund. The Commissioner of
the Department of Corrections
is authorized to utilize funds
herein appropriated as matching
contributions, where required
and appropriate, to generate ad-
ditional funds which would
effectively increase the appro-
priations for the Department of
Corrections. Any such grant
funds so generated and in direct
support of the Department of
Corrections' operations are also
hereby appropriated.

Total Department of Corrections	108,936,074	24,249,300	133,185,374
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In addition to the above appropri-
ation to the Department of Cor-
rections, there is hereby
conditionally appropriated from
the State General Fund
\$2,800,000 for prisons at Clay-
ton and Clio, to be conditioned

upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

26. COSMETOLOGY, ALABAMA BOARD OF:

- | | |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program | 667,590 |
|--|---------|

SOURCE OF FUNDS:

- | | |
|---|---------|
| (1) Alabama Board of Cosmetology Fund | 667,590 |
|---|---------|

As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	667,590	667,590
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27. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

- | | |
|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program | 58,700 |
|--|--------|

SOURCE OF FUNDS:

- | | |
|---|--------|
| (1) Alabama Board of Examiners in Counseling Fund | 58,700 |
|---|--------|

As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in Counseling	58,700	58,700
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28. CREDIT UNION ADMINISTRATION, ALABAMA:

- | | |
|--|---------|
| (a) Charter, License and Regulate Financial Institutions Program | 400,700 |
|--|---------|

SOURCE OF FUNDS:

- | | |
|--|---------|
| (1) Alabama Credit Union Administration Fund | 400,700 |
|--|---------|

As provided in Section 5-17-7, Code of Alabama 1975.

Total Alabama Credit Union Administration	400,700	400,700
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29. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated	416,606
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated	416,606
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To be expended in accordance with Sections 15-23-1 et seq., Code of Alabama 1975.

Total Alabama Crime Victims Compensation Commission	416,606	416,606
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30. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program	3,666,419
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,820,503
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(2) Federal, Local and Miscellaneous Funds	845,916
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Total Alabama Criminal Justice Information Center	2,820,503	845,916	3,666,419
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31. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission	255,000
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(b) Administrative Services Program-Office of Minority Business	105,500
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(c) Industrial Development Program-Alabama Development Office	4,889,215
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(d) Alabama Reunion	300,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer- Alabama Development Office ...	5,089,215		
(2) State General Fund-Transfer- Office of Minority Business	105,500		
(3) State General Fund-Transfer- Alabama Film Commission	255,000		
(4) Federal, Local and Miscella- neous Funds		100,000	
Total Alabama Development Office	5,449,715	100,000	5,549,715

32. DISTRICT ATTORNEYS:

(a) Court Operations Program	12,272,926
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The proposed spending plan included in the above total is as follows:

Salaries of District

Attorneys 2,328,356

Salary of elected Deputy District
Attorney of the Bessemer Division of the 10th Judicial
Circuit 56,955

For the use of the elected Assistant
District Attorney of the Bessemer Division of the 10th Judicial
Circuit 135,853

Salaries and expenses of Supernumerary District

Attorneys 1,110,780

For use in the District Attorney's
Office of the following Judicial
Circuits:

1st Judicial Circuit	120,186
2nd Judicial Circuit	135,902
3rd Judicial Circuit	185,133
4th Judicial Circuit	416,609
5th Judicial Circuit	383,934
6th Judicial Circuit	297,195
7th Judicial Circuit	237,019

8th Judicial Circuit	180,284
9th Judicial Circuit	160,593
10th Judicial Circuit	450,472
11th Judicial Circuit	129,487
12th Judicial Circuit	276,489
13th Judicial Circuit	492,114
14th Judicial Circuit	158,443
15th Judicial Circuit	421,074
16th Judicial Circuit	259,190
17th Judicial Circuit	133,970
18th Judicial Circuit	285,907
19th Judicial Circuit	196,099
20th Judicial Circuit	203,277
21st Judicial Circuit	153,622
22nd Judicial Circuit	134,304
23rd Judicial Circuit	336,251
24th Judicial Circuit	127,428
25th Judicial Circuit	121,918
26th Judicial Circuit	213,874
27th Judicial Circuit	169,264
28th Judicial Circuit	259,411
29th Judicial Circuit	229,835
30th Judicial Circuit	218,883
31st Judicial Circuit	125,133
32nd Judicial Circuit	161,275
33rd Judicial Circuit	158,966
34th Judicial Circuit	110,355
35th Judicial Circuit	105,337
36th Judicial Circuit	106,950
37th Judicial Circuit	213,561
38th Judicial Circuit	161,593
39th Judicial Circuit	138,204
Travel Expenses of District Attorneys	75,000

Investigators Subsistence-Section
 36-21-2, Code of Alabama
 1975 196,441

SOURCE OF FUNDS:

(1) State General Fund	12,272,926	
Total District Attorneys	12,272,926	12,272,926

33. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Services Program	4,460,955
(b) Planning Program	37,395,474

Of the above appropriation, \$2,000,000 shall be allocated for capital facilities to be used for scientific research conducted in the Birmingham area.

(c) Special Services Program	18,941,180
(d) Skills Enhancement and Employment Opportunities Program	62,766,488

Of the above appropriation, \$300,000 shall be spent for the Regional Planning Commissions.

(e) Energy Management Program	14,918,242
(f) Traffic Control and Accident Prevention Program	3,186,905
(g) Law Enforcement Planning and Development Program	3,303,226
(h) Surplus Property Program	1,310,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,497,979
(2) Federal, Local and Miscellaneous Funds	131,493,354
(3) Administrative Transfers	3,981,137
(4) Administrative Transfers from Federal Donated Surplus Property Sales	700,000

(5) Administrative Transfers from State-Owned Surplus Property Sales	610,000		
Total Alabama Department of Economic and Community Affairs	9,497,979	136,784,491	146,282,470
34. EDUCATION, DEPART- MENT OF:			
(a) Direct Client Services for the Handicapped-Homebound Program		2,000,000	
(b) Projects-Vocational Rehabili- tation/Crippled Children Serv- ices Program-Eye Injury Register		30,000	
SOURCE OF FUNDS:			
(1) State General Fund	2,030,000		
Total Department of Education ...	2,030,000		2,030,000
35. ELECTRICAL CONTRAC- TORS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program		93,000	
SOURCE OF FUNDS:			
(1) Electrical Contractors Board Fees		93,000	
As provided in Section 34-36-17, Code of Alabama 1975.			
Total Board of Electrical Contractors		93,000	93,000
36. ELK RIVER DEVELOP- MENT AGENCY:			
(a) Water Resource Development Program		4,265	
SOURCE OF FUNDS:			
(1) State General Fund	4,265		

Total Elk River Development Agency	4,265	4,265	
37. EMERGENCY MANAGEMENT AGENCY:			
(a) Readiness and Recovery Program		4,980,194	
(b) Transfer to County Emergency Management Agencies		350,000	
The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,066,148		
(2) Federal, Local and Miscellaneous Funds		4,264,046	
Total Emergency Management Agency	1,066,148	4,264,046	5,330,194
38. ENERGY BOARD, SOUTHERN STATES:			
(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			21,171
SOURCE OF FUNDS:			
(1) State General Fund	21,171		
Total Southern States Energy Board	21,171		21,171
39. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:			
(a) Professional and Occupational Licensing and Regulation Program			397,100
SOURCE OF FUNDS:			
(1) Professional Engineers Fund		397,100	

As provided in Section 34-11-36,
Code of Alabama 1975.

Total State Board of Registration
for Professional Engineers and
Land Surveyors

397,100 397,100

40. ENVIRONMENTAL MAN-
AGEMENT, DEPARTMENT
OF:

(a) Environmental Management
Program

32,355,830

SOURCE OF FUNDS:

(1) State General Fund-Transfer 4,995,110

(2) State General Fund-Transfer
to Water Pollution Control
Authority 2,700,000

(3) State General Fund-Transfer
to Tire Recycling Center 100,000

(4) Environmental Management
Fees 2,128,350

As provided in Section 22-22A-11,
Code of Alabama 1975.

(5) Federal, Local and Miscella-
neous Funds 8,532,370

(6) Federal Match-Water Pollu-
tion Control Authority 13,500,000

(7) Transfer from Underground
Storage Tank Trust Fund-Act
88-378 400,000

Total Department of Environmen-
tal Management

7,795,110 24,560,720 32,355,830

41. ETHICS COMMISSION,
ALABAMA:

(a) Regulation of Public Officials
and Employees Program

307,679

SOURCE OF FUNDS:

(1) State General Fund 307,679

Total Alabama Ethics Commission	307,679		307,679
42. FARM CRISIS AND TRANSITION PROGRAM:			
(a) Agricultural Development Services Program			100,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	100,000		
Total Farm Crisis and Transition Program	100,000		100,000
43. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			268,256
SOURCE OF FUNDS:			
(1) State General Fund-Transfer For Administration	94,374		
(2) Farmers' Market Authority Administration-Transfer from Capital Outlay Account		36,941	
(3) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		136,941	
Total Farmers' Market Authority	94,374	173,882	268,256
44. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			3,701,538
(b) Administrative Support Services Program			4,533,040
SOURCE OF FUNDS:			
(1) State General Fund	8,184,578		
(2) Miscellaneous Funds		50,000	
Total Department of Finance	8,184,578	50,000	8,234,578
45. FINANCE, DEPARTMENT OF-AIR TRANSPORTATION:			
(a) Administrative Support Services Program			1,892,270
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,148,487		

(2) Departmental Receipts, Estimated	743,783		
Total Department of Finance-Air Transportation	1,148,487	743,783	1,892,270
46. FINANCE, DEPARTMENT OF-ALABAMA BUILDING AUTHORITY:			
(a) Administrative Support Serv- ices Program, Estimated			1,397,605
(b) Asbestos Removal and Reno- vation, Estimated			3,075,559
SOURCE OF FUNDS:			
(1) Alabama Building Authority Operating Fund	4,473,164		
Total Department of Finance-Ala- bama Building Authority	4,473,164	4,473,164	
47. FINANCE, DEPARTMENT OF-ALABAMA BUILDING FINANCE AUTHORITY:			
(a) Administrative Support Serv- ices Program, Estimated			1,047,021
SOURCE OF FUNDS:			
(1) Alabama Building Finance Authority Operating Fund	1,047,021		
Total Department of Finance-Ala- bama Building Finance Authority	1,047,021	1,047,021	
48. FINANCE, DEPARTMENT OF-CAPITOL COMPLEX MAINTENANCE AND RE- PAIR:			
(a) Administrative Support Serv- ices Program, Estimated			2,642,641
SOURCE OF FUNDS:			
(1) Capitol Complex Revolving Fund	2,642,641		

Total Department of Finance-Capitol Complex Maintenance and Repair	2,642,641	2,642,641
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49. FINANCE, DEPARTMENT OF-DATA CENTER REVOLVING FUND:		
(a) Administrative Support Services Program, Estimated		16,697,200
SOURCE OF FUNDS:		
(1) Data Center Revolving Fund	16,697,200	
<hr/>		
Total Department of Finance-Data Center Revolving Fund	16,697,200	16,697,200
<hr/>		
50. FINANCE, DEPARTMENT OF-STATE INSURANCE FUND:		
(a) Administrative Support Services Program		749,696
SOURCE OF FUNDS:		
(1) State Insurance Fund-Admin.	749,696	
As provided in Sections 41-15-1 et seq., Code of Alabama 1975.		
<hr/>		
Total Department of Finance-State Insurance Fund	749,696	749,696
<hr/>		
51. FINANCE, DEPARTMENT OF-CENTRAL MAIL AND SUPPLY:		
(a) Administrative Support Services Program, Estimated		5,586,954
SOURCE OF FUNDS:		
(1) Mail and Supply Revolving Fund	5,586,954	
<hr/>		
Total Department of Finance-Central Mail and Supply	5,586,954	5,586,954
<hr/>		
52. FINANCE, DEPARTMENT OF-MOTOR POOL:		
(a) Administrative Support Services Program, Estimated		1,794,828

SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund ..	1,794,828	
Total Department of Finance-Motor Pool	1,794,828	1,794,828

53. FINANCE, DEPARTMENT OF-PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program	4,542,084	
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SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund	4,542,084	
Total Department of Finance-Printing and Publications	4,542,084	4,542,084

54. FINANCE, DEPARTMENT OF-DSMD SUPERCOMPUTER REVOLVING FUND:

(a) Administrative Support Services Program, Estimated	1,000,000	
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The above appropriation is for the maintenance and operation of the Supercomputer.

SOURCE OF FUNDS:

(1) Collections from state agencies and other entities	1,000,000	
Total Department of Finance-DSMD Supercomputer Revolving Fund	1,000,000	1,000,000

55. FINANCE, DEPARTMENT OF-TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program	9,556,200	
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,312,000	
(2) Telephone Revolving Fund, Est.	7,244,200	

Total Department of Finance- Telephone Revolving Fund	2,312,000	7,244,200	9,556,200
<hr/>			
56. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			100,000
SOURCE OF FUNDS:			
(1) State General Fund	100,000		
<hr/>			
Total Foreign Trade Relations Commission	100,000		100,000
<hr/>			
57. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program			6,228,418
SOURCE OF FUNDS:			
(1) State General Fund	6,070,945		
(2) Federal, Local and Miscella- neous Funds		157,473	
<hr/>			
Total Department of Forensic Sciences	6,070,945	157,473	6,228,418
<hr/>			
58. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			24,500
SOURCE OF FUNDS:			
(1) Professional Foresters Fund ...		24,500	
As provided in Section 34-12-36, Code of Alabama 1975.			
<hr/>			
Total Alabama State Board of Registration for Foresters		24,500	24,500
<hr/>			
59. FORESTRY COMMISSION, ALABAMA:			
(a) Forest Resources Protection and Development Program			23,435,455
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	12,428,016		

(2) Federal and Local Funds	2,801,625
(3) Forestry Commission Fund	8,205,814

Of the above appropriation,
\$2,668,000 shall be used for rural
and community fire protection.

Total Alabama Forestry

Commission	12,428,016	11,007,439	23,435,455
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Of the above appropriation,
\$200,000 shall be used for for-
estry research, marketing, man-
agement and environmental
improvement grants.

In addition to the above appropri-
ation to the Alabama Forestry
Commission, there is hereby
conditionally appropriated for
capital outlay from the Alabama
Forestry Commission Fund the
net proceeds from the sale of cer-
tain present property where the
Birmingham District Head-
quarters is located in Jefferson
County. The proceeds from said
sale shall be covered into the
Alabama Forestry Commission
Fund. The above conditional ap-
propriation shall be used to pur-
chase land, building(s), and/or
construction of building(s) in or-
der to relocate the Birmingham
District Headquarters. This
conditional appropriation shall
become absolute when said sale
is concluded, recommended by
the Finance Director and ap-
proved by the Governor.

60. FUNERAL SERVICE, ALA- BAMA BOARD OF:

- (a) Professional and Occupational
Licensing and Regulation
Program

128,000

SOURCE OF FUNDS:

- (1) Alabama Funeral Directors and
Embalmers Fund

128,000

As provided in Section 34-13-23,
Code of Alabama 1975.

Total Alabama Board of Funeral Service	128,000	128,000
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61. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	2,647,514
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SOURCE OF FUNDS:

(1) State General Fund	2,068,645	
(2) Federal, Local and Miscellaneous Funds	578,869	
Total Geological Survey	2,068,645	578,869 2,647,514

62. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000
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As provided in Section 41-9-220,
Code of Alabama 1975, and an
additional amount.

Total Gorgas Memorial Board	5,000	5,000
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63. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program	1,100,000
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SOURCE OF FUNDS:

(1) State General Fund	1,100,000
Total Governor's Contingency Fund	1,100,000 1,100,000

64. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program	9,073
(b) Capital Outlay	250,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	259,073	
Total Governor's Mansion Advisory Board	259,073	259,073

65. GOVERNOR'S MANSION:

(a) Executive Direction Program		181,450
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SOURCE OF FUNDS:

(1) State General Fund	181,450	
Total Governor's Mansion	181,450	181,450

66. GOVERNOR'S OFFICE:

(a) Executive Direction Program		1,559,403
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SOURCE OF FUNDS:

(1) State General Fund	1,559,403	
Total Governor's Office	1,559,403	1,559,403

67. GOVERNOR'S OFFICE ON VOLUNTEERISM:

(a) Executive Direction Program		82,321
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	82,321	
Total Governor's Office on Volunteerism	82,321	82,321

68. HEALTH, DEPARTMENT OF PUBLIC:

(a) Personal Health Improvement Program		71,468,578
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(b) Health Support Services Program		44,051,070
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Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties, and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program	7,600,000
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SOURCE OF FUNDS:

(1) State General Fund	28,045,546
(2) Cigarette Tax-\$0.01 and \$0.02	4,000,000

As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975.

(3) Vital Statistics Fund	1,381,254
(4) Hospital Licensing Fund	235,000
(5) Emergency Medical Services Fund	50,000

As provided in Section 22-18-4, Code of Alabama 1975.

(6) Local Health Departments	20,880,748
(7) Nuclear Monitoring Fund	139,000
(8) Radiation Safety Fund	100,000
(9) Miscellaneous Funds SOBRA Services Program	2,400,000
(10) Miscellaneous Funds	8,800,000
(11) Federal Funds	57,088,100

Total Department of Public Health	28,045,546	95,074,102	123,119,648
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Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

69. HEALTH PLANNING
AGENCY, STATE:

(a) Health Planning Development
and Regulation Program 654,797

SOURCE OF FUNDS:

(1) State General Fund-Transfer	304,797		
(2) Certificate of Need Fees		300,000	
(3) Federal, Local and Miscella- neous Funds		50,000	
Total State Health Planning Agency	304,797	350,000	654,797

70. HEARING AID DEALERS,
ALABAMA BOARD OF:

(a) Professional and Occupational
Licensing and Regulation
Program 40,000

SOURCE OF FUNDS:

(1) State Board of Health-Hear- ing Aid Fund		40,000	
As provided in Section 34-14-33, Code of Alabama 1975.			
Total Alabama Board of Hearing Aid Dealers		40,000	40,000

71. HEATING AND AIR CON-
DITIONING CONTRAC-
TORS, BOARD OF:

(a) Professional and Occupational
Licensing and Regulation
Program 133,301

SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund		133,301	
Total Board of Heating and Air Conditioning Contractors		133,301	133,301

72. HERITAGE TRUST FUND,
ALABAMA:

(a) Fiscal Management Program 20,000

SOURCE OF FUNDS:

(1) Heritage Trust Income	20,000	
Total Alabama Heritage Trust Fund	20,000	20,000

73. HIGHWAY DEPARTMENT:

(a) Central Administration Program	10,706,273
(b) Division and District Supervision Program	19,224,843
(c) Operations and Support Services Program	7,972,800
(d) Maintenance Program	131,438,043
(e) Non-Programmatic Programs	108,842,333

Proposed spending plan for the above (e) includes the following:

Debt Service 107,285,685

Equipment-Other than
Automotive 1,556,648

(f) Construction-Federal Aid Program	335,208,070
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Proposed spending plan for the above (f) includes the following:

Federal Aid
Matching 47,629,452

Non-Participating Work on Federal Projects 1,000,000

Federal Aid 286,578,618

(g) Construction-State Program ..	20,240,000
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(h) Operations-Land and Buildings	1,408,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	211,500
(2) Public Road and Bridge Fund	348,250,244
(3) Federal Aid	286,578,618

There is hereby appropriated, for payment of the principal of and

the interest on all bonds theretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$107,285,685 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full,
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in

such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	211,500	634,828,862	635,040,362
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In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds, to purchase capital equipment (rolling stock) for the state mass transportation program, and for an insurance and/or self-insurance program.

74. HISTORIC BLAKELEY AUTHORITY:

(a) Tourism and Travel Promotion Program	290,150
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SOURCE OF FUNDS:

(1) State General Fund	290,150
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Total Historic Blakeley Authority	290,150	290,150
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75. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program	98,200
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SOURCE OF FUNDS:

(1) State General Fund	98,200	
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Total Historic Chattahoochee Commission	98,200	98,200
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76. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program	1,902,466
(b) Historical Resources Management Program-Capital Outlay ..	108,249
(c) Historical Preservation Projects	600,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,076,814
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The State General Fund appropriation shall be distributed as follows:

Historical Commission, Alabama	505,040
Historical Commission, Alabama- La Grange	7,774
Historical Commission, Alabama- Magnolia Grove	38,000
Historical Commission, Alabama- Fort Morgan	180,000
Historical Commission, Alabama- Fort Toulouse	110,294
Historical Commission, Alabama- John T. Morgan House, Selma	11,460
Historical Commission, Alabama- Cahaba	150,000
Historical Commission, Alabama- Gaineswood	74,246
(2) State General Fund-Transfer- Capital Outlay	108,249
(3) State General Fund-Transfer- Historical Preservation Projects	600,000

(4) Federal, Local and Miscellaneous Funds	825,652		
Total Alabama Historical Historical Commission	1,785,063	825,652	2,610,715

As provided in Act No. 87-749, in addition to the amounts appropriated hereinabove to the Alabama Historical Commission, there is hereby appropriated the proceeds from the sale of 1945 legislative desks and chairs for the cost of reproduction furniture to be used in the restoration of the Alabama State Capitol.

77. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program 280,905,417

It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000. It is also the intent of the Legislature that at least \$1,000,000 shall be expended for additional day care slots.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	12,871,809
(2) State General Fund-Transfer	
Day Care Slots	1,500,000

(3) State General Fund-Transfer Group Homes	1,000,000		
(4) Federal, Local and Miscella- neous Funds		185,874,156	
(5) ABC Profits		1,070,000	
(6) Whiskey Tax		21,100,000	
(7) Beer Tax		8,100,000	
(8) Pension Residue		14,000,000	
(9) Sales Tax		1,322,000	
(10) Franchise Tax		13,600,000	
(11) Child Support Collections		3,127,097	
(12) Sales Tax for Food Stamps ..		11,090,355	
(13) Cigarette Tax		4,375,000	
(14) Contractor's Gross Receipts Tax		1,875,000	
Total Department of Human Resources	15,371,809	265,533,608	280,905,417

78. INDIAN AFFAIRS COM- MISSION, ALABAMA:

(a) Social Services Program	152,560
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The above appropriation is to be
expended in accordance with
Sections 41-9-708 et seq., Code
of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	152,560	
Total Alabama Indian Affairs Commission	152,560	152,560

79. INDUSTRIAL DEVELOP- MENT AUTHORITY, STATE:

(a) Industrial Development Program	76,100
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	76,100
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Total State Industrial Development Authority	76,100	76,100
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80. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Employment Security Program	36,007,985
(b) Industrial Safety and Accident Prevention Program	4,580,424
(c) Administrative Services Program	8,511,943
(d) Workmen's Compensation Program	581,861

SOURCE OF FUNDS:

(1) State General Fund	1,159,337		
(2) Federal, Local and Miscellaneous Funds	48,522,876		

Total Department of Industrial Relations	1,159,337	48,522,876	49,682,213
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81. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program	2,727,123
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SOURCE OF FUNDS:

(1) State General Fund	1,616,670		
(2) Fire Marshal's Fund		136,844	

As provided in Section 24-5-10, Code of Alabama 1975. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

(3) Examination Revolving Fund	973,609		
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Total Department of Insurance	1,616,670	1,110,453	2,727,123
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Of the above appropriation, an amount not to exceed \$50,000 is hereby appropriated for advance newspaper publication of rate filings prior to any hearing or

other determination by the
Commissioner.

82. INSURANCE BOARD,
STATE EMPLOYEES':

(a) Administrative Support Services Program		350,000
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund	350,000	
Total State Employees' Insurance Board	350,000	350,000

83. INTERIOR DESIGNERS,
ALABAMA STATE BOARD
OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program		5,700
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SOURCE OF FUNDS:

(1) Interior Designer Fund	5,700	
As provided in Section 34-15A-7, Code of Alabama 1975.		
Total Alabama State Board of Registration for Interior Designers	5,700	5,700

84. LABOR, DEPARTMENT
OF:

(a) Regulatory Services Program		354,802
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SOURCE OF FUNDS:

(1) State General Fund	304,802	
(2) Federal, Local and Miscellaneous Funds	50,000	
Total Department of Labor	304,802	354,802

85. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		18,525
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund ..	18,525	
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As provided in Section 34-17-6,
Code of Alabama 1975.

Total Board of Examiners of Landscape Architects	18,525	18,525
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86. LIEUTENANT GOVERNOR,
OFFICE OF THE:

(a) Legislative Operations and Support Program		440,156
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SOURCE OF FUNDS:

(1) State General Fund	440,156	
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Total Office of the Lieutenant Governor	440,156	440,156
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87. LIQUEFIED PETROLEUM
GAS BOARD:

(a) Regulatory Services Program		342,000
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	342,000	
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Total Liquefied Petroleum Gas Board	342,000	342,000
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89. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program		537,286,519
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It is the intent of the Legislature that of the above appropriation, which includes \$22,489,144 for SOBRA, Medicaid eligibility shall be extended to include, to the fullest extent possible, pregnant women and children up to 1 year of age who have incomes at or below 100% of the federal poverty level. It is the further intent of the Legislature that the provisions of the state's SOBRA program will include raising to a minimum of 80% of the physician's reimbursement level the reimbursement for certified

midwives for deliveries under Medicaid. Also, it is the intent of the Legislature that the state's SOBRA program provide for physician reimbursement for deliveries at minimum per patient which is above the national Medicaid average adjusted annually for global delivery fee and that such fee be reviewed periodically by the Alabama Medicaid Agency to insure the rate structure provides access for prenatal care. In addition, the Legislature intends that SOBRA provisions include reimbursement to pediatricians who attend a high-risk Medicaid covered delivery. The Legislature intends that SOBRA provisions in the State allow pregnant women, who are determined to be eligible for Medicaid through SOBRA, remain eligible throughout their pregnancy, that an assets test shall not be required in making a determination of eligibility for such program, and that all providers designated under Public Law 99-509 (SOBRA) may be certifiers of presumptive eligibility for Medicaid which will insure that the eligible State population have access for said services.

The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A.87) for services provided.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	108,676,779
(2) State General Fund-Transfer-SOBRA	6,049,572
(3) Transfer from Department of Human Resources	3,824,175

(4) Transfer from Mental Health	19,050,250		
(5) Transfer from Commission on Aging	1,770,580		
(6) Federal, Local and Miscellaneous Funds	397,915,163		
Total Alabama Medicaid Agency	114,726,351	422,560,168	537,286,519
90. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			84,547,098
(b) Institutional Treatment and Care-Mental Retardation Program			65,484,013
(c) Institutional Treatment and Care-Criminally Insane Program			5,518,354
(d) Administrative Services Program			4,937,444
(e) Community Services Program			60,527,300
(f) Agency Administration Program			675,823
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	58,724,627		
(2) Special Mental Health Trust Fund			86,844,000
For Operations and Maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.			
(3) Transfer from ABC Profits			1,000,000
(4) Cigarette Tax			6,800,000

(5) Federal, Local and Miscellaneous Funds	68,321,405		
Total Department of Mental Health and Mental Retardation	58,724,627	162,965,405	221,690,032

There is also hereby conditionally appropriated \$3,000,000 from the Special Mental Health Trust Fund which shall be conditioned on the availability of funds and approval by the Governor.

91. MILITARY DEPARTMENT:

(a) Military Operations Program	5,497,307
(b) Capital Outlay	920,000

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,624,647
(2) State General Fund-Quarterly Allowances Headquarters	1,500,000

Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.

(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services, Specifications, Repair and Construction of Facilities	920,000
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The above appropriation shall include funding for the construction of two armories and for asbestos removal at Fort Whiting Armory.

(4) State General Fund-Active Military Service	37,500
(5) State General Fund-Transfer to Armory Commission	2,326,660

(6) State General Fund-Dropping Allowance	4,500	
(7) State General Fund-State Defense Force	4,000	
Total Military Department	6,417,307	6,417,307

92. MILITARY DEPARTMENT-ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program 4,426,425

SOURCE OF FUNDS:

(1) Transfer from Military Department	2,326,660	
(2) Federal, Local and Miscellaneous Funds	2,099,765	

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	4,426,425	4,426,425
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93. MOTOR SPORTS HALL OF FAME:

(a) Tourism and Travel Promotion Program 68,044

SOURCE OF FUNDS:

(1) State General Fund	68,044	
Total Motor Sports Hall of Fame	68,044	68,044

94. MUSIC HALL OF FAME,
ALABAMA:

(a) Fine Arts Program		120,354
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SOURCE OF FUNDS:

(1) State General Fund	120,354	
Total Alabama Music Hall of Fame	120,354	120,354

95. NURSING, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		1,052,160
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in Code of Alabama 1975, as amended, Sections 34-21-1 through 34-21- 43	1,052,160	
Total Alabama Board of Nursing	1,052,160	1,052,160

96. NURSING HOME ADMIN-
ISTRATORS, BOARD OF EX-
AMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		48,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nurs- ing Home Administrators Fund	48,000	
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As provided in Section 34-20-7,
Code of Alabama 1975.

Total Board of Examiners of Nursing Home Administrators	48,000	48,000	
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97. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			2,305,918
SOURCE OF FUNDS:			
(1) State General Fund	2,195,918		
(2) Oil and Gas Board Special Fund		100,000	
(3) Federal, Local and Miscellaneous Funds		10,000	
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Total Oil and Gas Board	2,195,918	110,000	2,305,918
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98. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			11,812,792
SOURCE OF FUNDS:			
(1) State General Fund	8,797,072		
(2) Probationers Upkeep Fund		2,878,050	
In accordance with Section 15-22-2, Code of Alabama 1975.			
(3) Miscellaneous Funds		137,670	
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Total Board of Pardons and Paroles	8,797,072	3,015,720	11,812,792
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99. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:			
(a) Retirement Systems Program			266,990
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund		266,990	
As provided in Section 36-21-66, Code of Alabama 1975.			
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Total Alabama Peace Officers' Annuity and Benefit Fund	266,990	266,990
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100. PERSONNEL DEPARTMENT, STATE:

(a) Administrative Support Services Program	2,893,827
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SOURCE OF FUNDS:

Transfers to the State Personnel Department shall be as follows:

(1) Board of Public Accountancy	287
(2) Department of Aeronautics	479
(3) Commission on Aging	1,915
(4) Department of Agriculture and Industries	44,290
(5) Agricultural Center Board	1,819
(6) Alcoholic Beverage Control Board	88,054
(7) Board of Registration for Architects	144
(8) Archives and History	4,644
(9) State Council on the Arts	1,006
(10) Attorney General's Office	13,646
(11) State Auditor	2,059
(12) State Banking Department ..	4,980
(13) Building Commission	2,155
(14) Child Abuse and Neglect Prevention Board	192
(15) Chiropractic Examiners	96
(16) Department of Conservation and Natural Resources	100,934
(17) State Licensing Board for General Contractors	527
(18) Department of Corrections ..	264,688
(19) Board of Cosmetology	862
(20) Credit Union Administration	527
(21) Alabama Crime Victims Compensation Commission	622

(22) Criminal Justice Information Center	6,033
(23) Alabama Development Office	3,208
(24) State Docks	46,541
(25) Department of Economics and Community Affairs	29,878
(26) Department of Education	128,322
(27) Electrical Contractors Board	48
(28) Emergency Management Agency	3,687
(29) Local Emergency Management	5,000
(30) Board of Registration for Professional Engineers and Land Surveyors	431
(31) Department of Environmen- tal Management	22,265
(32) Ethics Commission	575
(33) Examiners of Public Accounts	20,110
(34) Farmers' Market Authority ..	239
(35) Finance Department	45,679
(36) Finance-Alabama Building Authority	2,681
(37) Finance-Alabama Building Finance Authority	1,819
(38) Firefighters' Personnel Standards and Education Commission	383
(39) Foreign Trade Relations Commission	144
(40) Department of Forensic Sciences	10,869
(41) Forestry Commission	39,742
(42) Funeral Services	144
(43) Governor's Office	3,112
(44) Department of Public Health	209,960

(45) State Health Planning Agency	1,484
(46) Board of Heating and Air Conditioning Contractors	192
(47) Highway Department	359,972
(48) Alabama Historical Commission	5,794
(49) Housing Finance Authority	239
(50) Department of Human Resources	373,953
(51) Alabama Indian Affairs Commission	144
(52) Department of Industrial Relations	162,318
(53) Insurance Department	5,315
(54) Judicial Inquiry Commission	48
(55) Department of Labor	766
(56) Legislative Reference Service	575
(57) Liquefied Petroleum Gas Board	622
(58) Manufactured Housing Commission	383
(59) Alabama Medicaid Agency ...	26,861
(60) Department of Mental Health and Mental Retardation	448,936
(61) Military Department	17,285
(62) Board of Nursing	1,580
(63) Board of Examiners of Nurs- ing Home Administrators	48
(64) Oil and Gas Board	10,294
(65) Pardons and Paroles	26,718
(66) Peace Officers' Annuity and Benefit Fund	239
(67) Peace Officers' Standards and Training Commission	335
(68) Physical Fitness Commission	575

(69) Board of Physical Therapy ..	48	
(70) Board of Polygraph Examiners	96	
(71) Public Library Service	5,698	
(72) Department of Public Safety	118,458	
(73) Public Service Commission	13,119	
(74) Alabama Educational Tele- vision Commission	7,757	
(75) Real Estate Commission	1,484	
(76) Retirement Systems	11,396	
(77) Department of Revenue	113,000	
(78) Secretary of State	2,442	
(79) Securities Commission	2,011	
(80) Board of Social Work Examiners	96	
(81) Soil and Water Conservation	335	
(82) Surface Mining Commission	4,788	
(83) Bureau of Tourism and Travel	6,799	
(84) State Treasurer	4,070	
(85) Department of Veterans' Affairs	5,937	
(86) Board of Veterinary Medical Examiners	96	
(87) Department of Youth Services	36,725	
Total State Personnel Department	2,893,827	2,893,827
101. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		72,435
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	72,435	

As provided in Section 34-24-195,
Code of Alabama 1975.

Total Board of Physical Therapy	72,435	72,435
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102. PLUMBERS AND GAS
FITTERS EXAMINING
BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		249,480
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	249,480	
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Total Alabama Plumbers and Gas Fitters Examining Board	249,480	249,480
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103. POLYGRAPH EXAM-
INERS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		30,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Exam- iners Fund	30,000	
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As provided in Section 34-25-5,
Code of Alabama 1975.

Total Board of Polygraph Examiners	30,000	30,000
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104. PROSECUTION SERV-
ICES, OFFICE OF:

(a) Prosecution, Training, Educa- tion and Management Program		1,289,226
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	362,388	
(2) Office of Prosecution Services Fund	926,838	

Total Office of Prosecution Services	362,388	926,838	1,289,226
105. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:			
(a) Professional and Occupational Licensing and Regulation Program			45,430
SOURCE OF FUNDS:			
(1) Board of Examiners in Psychology Fund		45,430	
As provided in Section 34-26-43, Code of Alabama 1975.			
Total Alabama Board of Examiners in Psychology		45,430	45,430
106. PUBLIC SAFETY, DEPARTMENT OF:			
(a) Traffic Control and Accident Prevention Program			21,295,348
(b) Criminal Investigation Program			7,282,845
(c) Drivers' Licensing and Improvement Program			9,738,662
(d) Public Safety Support Services Program			5,661,909
(e) Administrative Services Program			3,271,844
(f) Alabama Criminal Justice Training Center Program			1,201,787
SOURCE OF FUNDS:			
(1) State General Fund	46,452,395		
(2) Transfers from ABC Profits ..		2,000,000	
Total Department of Public Safety	46,452,395	2,000,000	48,452,395
107. PUBLIC SERVICE COMMISSION:			
(a) Regulatory Services Program			5,449,101
(b) Administrative Services Program			1,934,605

SOURCE OF FUNDS:

(1) Public Service Commission Fund	6,765,706
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Any other provision of the law to the contrary notwithstanding, the appropriation above for the Administrative Services Program shall include a transfer of \$92,471 to the State General Fund.

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	386,000
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(3) Federal and Miscellaneous Funds	232,000
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Total Public Service Commission	7,383,706	7,383,706
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108. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,129,034
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(b) Capital Outlay	400,000
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,529,034
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As provided in Section 34-27-4, Code of Alabama 1975 and the

total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate

Commission	1,529,034	1,529,034
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109. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program	49,671,147
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

(2) State General Fund-Board of Equalization	124,442
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(3) Ad Valorem Equalization Fund	220,115
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(4) Transfer from the gross proceeds of Cigarette Tax Collections	888,224
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As provided in Section 40-25-27, Code of Alabama 1975.

(5) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	230,198
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(6) Transfer from the proceeds of the Forest Severance Tax Collections	84,784
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(7) Transfer from the gross proceeds of Gasoline Tax Collections	4,030,552
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(8) Transfer from the Income Tax Collections	13,678,883
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(9) Transfer from the gross proceeds of Motor Fuel Tax Collections	840,032
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(10) Transfer from the gross proceeds of Motor Vehicle License Collections	1,821,412
(11) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	557,337
(12) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,373,134
(13) Transfer from the gross proceeds of Sales Tax Collections ..	12,067,459
(14) Transfer from the gross proceeds of the Tobacco Tax Collections	36,353
(15) Transfer from the gross proceeds of Use Tax Collections	1,320,637
(16) Transfer from the gross proceeds of the Utility Tax Collections	2,932,060
(17) Local Funds	6,000,442
(18) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,365,083
(19) Inspection fees for restored vehicles	750,000
As provided in Section 32-8-87, Code of Alabama 1975.	
(20) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, Code of Alabama 1975	100,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the

cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,442	49,296,705	49,671,147
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110. SECRETARY OF STATE:

(a) Administrative Support Services Program			1,275,627
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SOURCE OF FUNDS:

(1) State General Fund	896,627		
(2) UCC and Farm Indexing Fund		379,000	
Total Secretary of State	896,627	379,000	1,275,627

111. SECURITIES COMMISSION:

(a) Regulatory Services Program			817,228
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SOURCE OF FUNDS:

(1) State General Fund	469,489		
(2) Industrial Revenue Bond Notification Fund		220,190	
(3) Sale of Checks License Fund		7,781	
(4) Exemption Fund		119,768	
Total Securities Commission	469,489	347,739	817,228

112. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program			22,681
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To be expended in accordance with Section 41-9-740 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	22,681		
Total Alabama Senior Citizens Hall of Fame	22,681		22,681

113. SOCIAL WORK EXAM-
INERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			61,888
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund	61,888		
As provided in Section 34-30-6, Code of Alabama 1975.			
Total Alabama State Board of So- cial Work Examiners	61,888		61,888

114. SOIL AND WATER CON-
SERVATION COMMITTEE,
STATE:

(a) Water Resource Development Program			1,208,381
(b) Professional and Occupational Licensing and Regulation Program			4,000

SOURCE OF FUNDS:

(1) State General Fund	1,178,381		
(2) Soil Classifiers Fund		4,000	
As provided in Section 34-32-19, Code of Alabama 1975.			
(3) Transfer from Agricultural and Conservation Development Commission		30,000	
Total State Soil and Water Con- servation Committee	1,178,381	34,000	1,212,381

115. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program			27,830
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SOURCE OF FUNDS:

(1) State General Fund	27,830	
Total Southern Growth Policies Board	27,830	27,830

116. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:

(a) Tourism and Travel Promotion Program	200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
Total Space Science Exhibit Commission	200,000	200,000

117. SPEECH PATHOLOGIST AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program	28,270
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund	28,270
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As provided in Section 34-28A-44,
Code of Alabama 1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology	28,270	28,270
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118. SPORTS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program	140,000
(b) Capital Outlay	350,000

The above appropriation for capital outlay shall be a one-time appropriation.

SOURCE OF FUNDS:

(1) State General Fund	490,000	
Total Alabama Sports Hall of Fame	490,000	490,000

119. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program	5,164,079
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	375,000	
(2) Surface Mining Commission Fund	4,789,079	

As provided by Section 9-16-103, Code of Alabama 1975. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Commission.

Total Alabama Surface Mining Commission	375,000	4,789,079	5,164,079
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120. TANNEHILL FURNACE AND FOUNDRY COMMISSION:

(a) Historical Resources Management Program	296,392
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SOURCE OF FUNDS:

(1) State General Fund	296,392	
Total Tannehill Furnace and Foundry Commission	296,392	296,392

121. TENNESSEE-TOMBIG-BEE WATERWAY DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program	101,000
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SOURCE OF FUNDS:

(1) State General Fund	101,000		
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Total Tennessee-Tombigbee Waterway Development Authority	101,000		101,000
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122. TENNESSEE VALLEY
EXHIBIT COMMISSION OF
ALABAMA:

(a) Promotional Development Program			372,241
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To be expended in accordance with
Sections 41-9-780 et seq., Code
of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	70,766		
(2) Federal, Local and Miscella- neous Funds		301,475	
<hr/>			
Total Tennessee Valley Exhibit Commission of Alabama	70,766	301,475	372,241
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123. TOURISM AND TRAVEL,
BUREAU OF:

(a) Tourism and Travel Promo- tion Program			5,301,999
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,711,638		
The above appropriation shall in- clude \$300,000 for the Alabama Reunion, \$50,000 for the Ca- haba Trace Commission and \$100,000 for the Overlook Tour- ist Center.			
(2) Lodgings Tax (\$0.01)		3,590,361	
Receipts collected under the pro- visions of Section 40-26-1 et seq., Code of Alabama 1975.			
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Total Bureau of Tourism and Travel	1,711,638	3,590,361	5,301,999
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124. TREASURER, STATE:

(a) Fiscal Management Program			1,650,680
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SOURCE OF FUNDS:

(1) State General Fund	1,650,680	
Total State Treasurer	1,650,680	1,650,680

125. UNIFORM STATE LAWS,
ALABAMA COMMISSION
ON:

(a) Special Services Program, Estimated		6,500
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SOURCE OF FUNDS:

(1) State General Fund	6,500	
As provided in Section 41-9-374, Code of Alabama 1975.		
Total Alabama Commission on Uniform State Laws	6,500	6,500

126. VETERANS' AFFAIRS,
DEPARTMENT OF:

(a) Administration of Veterans Af- fairs Program		2,860,397
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SOURCE OF FUNDS:

(1) State General Fund	2,860,397	
Total Department of Veterans' Affairs	2,860,397	2,860,397

127. VETERINARY MEDICAL
EXAMINERS, ALABAMA
STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		145,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund	145,000	
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As provided in Section 34-29-23
and Section 34-29-41, Code of
Alabama 1975.

Total Alabama State Board of Veterinary Medical Examiners	145,000	145,000
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128. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program		9,980
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SOURCE OF FUNDS:

(1) State General Fund	9,980	
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Total Alabama Women's Commission	9,980	9,980
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129. WOMEN'S HALL OF
FAME, ALABAMA:

(a) Historical Resources Management Program		5,444
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SOURCE OF FUNDS:

(1) State General Fund	5,444	
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Total Alabama Women's Hall of Fame	5,444	5,444
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130. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program		617,977
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The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.

(b) Juvenile Probation Officers Subsidy		2,586,000
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SOURCE OF FUNDS:

(1) State General Fund-Youth Services Program	617,977	
(2) State General Fund-Juvenile Probation Officers Subsidy	2,586,000	

Total Department of Youth

Services	3,203,977	3,203,977
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131. SPECIAL INDUSTRIAL
JOB TRAINING:

(a) Industrial Training Program	1,550,000
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This appropriation shall be administered by the Alabama Industrial Development Training Institute (AIDT) to provide training, and/or training assistance. Of the above appropriation, \$500,000 shall be used for Boeing Space Laboratory, Huntsville; \$350,000 shall be used for the Alabama Center for Quality and Productivity; \$100,000 for Partek, Phenix City; \$500,000 shall be used for the U.S. Air Force Standards Systems Center, Montgomery; and \$100,000 shall be used for Uniroyal Goodrich Job Training.

SOURCE OF FUNDS:

(1) State General Fund	1,550,000	
Total Special Industrial Job Training	1,550,000	1,550,000

132. MEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
Total Alabama Men's Hall of Fame	5,000	5,000

2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE STATE GENERAL FUND:1. ADVERTISING LANDS FOR
TAX SALE:

(a) State Revenue Administration Program, Estimated	90,000
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SOURCE OF FUNDS:

(1) State General Fund	90,000
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As provided in Section 40-10-22,
Code of Alabama 1975.

Total Advertising Lands for Tax Sale	90,000	90,000
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2. ARREST OF ABSCONDING
FELONS:

(a) Criminal Investigation Pro- gram, Estimated	65,000
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SOURCE OF FUNDS:

(1) State General Fund	65,000
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As provided in Section 15-9-3, Code
of Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. ATTORNEYS' FEES FOR
REAPPORTIONMENT
CASES:

(a) Legal Advice and Legal Serv- ices Program, Estimated	150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000
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Total Attorneys' Fees for Reappor- tionment Cases	150,000	150,000
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4. AUTOMATIC APPEAL EX-
PENSE:

(a) Legal Advice and Legal Serv- ices Program, Estimated	100
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SOURCE OF FUNDS:

(1) State General Fund	100
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As provided in Section 12-22-150
and Section 12-22-241, Code of
Alabama 1975.

Total Automatic Appeal Expense	100	100
<hr/>		
5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
As provided in Section 40-7-45, Code of Alabama 1975.		
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Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
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6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	250,000	
As provided in Section 37-1-18, Code of Alabama 1975.		
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Total Consumer Utility Rate Hearing	250,000	250,000
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7. COURT RELATED COSTS NOT OTHERWISE PROVIDED FOR:		
(a) Court-Assessed Cost Provided in Code of Alabama 1975, Sections 22-52-14, 30-4-95, 26-17-17 and Acts 87-574 and 88-538, Estimated		500,000
(b) Legal Advice and Legal Services Program		500,000
It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees,		

court reporters, court judgments, attorneys fees, out-of-court settlements, and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

SOURCE OF FUNDS:

(1) State General Fund, Estimated	500,000	
(2) State General Fund	500,000	
Total Court Cost Not Otherwise Provided For	1,000,000	1,000,000

8. COURT COSTS-ACT NO. 558, 1957:

(a) Court Operations Program, Estimated		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
Pursuant to Act No. 558, 1957, page 777.		
Total Court Costs-Act No. 558, 1957	500	500

9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated		80,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000	
As provided in Sections 41-21-8, 36-14-1, and 36-14-11, Code of Alabama 1975.		
Total Distribution of Public Documents	80,000	80,000

10. STATE DOCKS TRANSFER

3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,500,000	
The above appropriation to the State Docks shall be conditional		

upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Total State Docks Transfer	3,500,000	3,500,000
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11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		935,000
(b) Training of Election Officials, Estimated		65,000

For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
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As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	1,000,000	1,000,000
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12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation shall be

transferred to the Governor's
contingency fund.

Total Departmental Emergency Fund	1,500,000	1,500,000
13. FAIR TRIAL TAX TRANS- FER:		
(a) Court Operations Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	200,000	
Total Fair Trial Tax	200,000	200,000
14. FEEDING OF PRISONERS:		
(a) Institutional Services Correc- tions Program, Estimated		3,000,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000,000	
For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Ala- bama 1975.		
Total Feeding of Prisoners	3,000,000	3,000,000
15. DEPARTMENT OF FI- NANCE-CAPITAL OUTLAY:		
(a) Administrative Support Serv- ices Program		385,000
SOURCE OF FUNDS:		
(1) State General Fund-Capital Outlay	385,000	
Total Department of Finance- Capital Outlay	385,000	385,000
The above appropriation to the Department of Finance-Capital Outlay for the regrading and re- construction of the parking lot located between the Alabama State House and the Folsom Ad- ministrative Building shall be		

conditional upon the availability of funds in the State General Fund, recommendation by the Finance Director and approval of the Governor.

16. DEPARTMENT OF FINANCE-CAPITOL RENOVATION:

- (a) Special Services Program,
Estimated

1,990,000

SOURCE OF FUNDS:

- (1) State General Fund-Capital
Outlay, Estimated 1,990,000

Total Department of Finance-
Capitol Renovation

1,990,000

1,990,000

17. DEPARTMENT OF FINANCE-EMPLOYEES' SUGGESTION AWARDS PROGRAM:

- (a) Fiscal Management Program

10,000

SOURCE OF FUNDS:

- (1) State General Fund 10,000

In accordance with Section 36-1-7,
Code of Alabama 1975.

Total Department of Finance-Em-
ployees' Suggestion Awards
Program

10,000

10,000

18. DEPARTMENT OF FINANCE-FEMA:

- (a) Readiness and Recovery Pro-
gram, Estimated

1,100,000

Payments of the State's share of
administrative costs and match-
ing grants furnished by the Fed-
eral Emergency Management
Agency.

SOURCE OF FUNDS:

- (1) State General Fund 1,100,000

Total Department of Finance-		
FEMA	1,100,000	1,100,000
19. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resources Protection and Development Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	180,000	
As provided by Section 9-3-10.1, Code of Alabama 1975.		
Total Emergency Forest Fire Fund	180,000	180,000
20. GOVERNOR'S CONFER- ENCE, NATIONAL:		
(a) Executive Direction Program, Estimated		135,760
SOURCE OF FUNDS:		
(1) State General Fund	135,760	
Total National Governor's Conference	135,760	135,760
21. GOVERNOR'S COUNCIL- LOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	
As provided in Section 36-13-13, Code of Alabama 1975.		
Total Governor's Councillor	26,000	26,000
22. GOVERNOR'S PROCLA- MATION EXPENSES:		
(a) Executive Direction Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	

As provided in Section 17-14-21,
Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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23. GOVERNOR'S WIDOWS
RETIREMENT:

(a) Executive Direction Program, Estimated		28,800
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SOURCE OF FUNDS:

(1) State General Fund	28,800	
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As provided in Section 36-13-12,
Code of Alabama 1975.

Total Governor's Widows Retirement	28,800	28,800
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24. INTERPRETER'S AC-
COUNT:

(a) Court Operations Program, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund	2,500	
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As provided in Sections 12-21-131
et seq., Code of Alabama 1975.

Total Interpreter's Account	2,500	2,500
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25. LAW ENFORCEMENT
FUND:

(a) Criminal Investigation Pro- gram, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,500	
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As provided in Section 28-4-312,
Code of Alabama 1975.

Total Law Enforcement Fund	2,500	2,500
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26. LAW ENFORCEMENT LE-
GAL DEFENSE:

(a) Legal Advice and Legal Serv- ices Program, Estimated		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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To carry out provisions of Section
36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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27. LIABILITY INSURANCE FUND, STATE		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,000,000	
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As provided in Section 36-1-6.1,
Code of Alabama 1975.

Total State Liability Insurance Fund	1,000,000	1,000,000
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Of the above appropriation \$40,000
is hereby appropriated to the Li-
ability Insurance Board for ad-
ministrative expenses.

28. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 40-7-25,
Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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29. MILITARY-EMERGENCY
ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85,
Code of Alabama 1975.

Total Military-Emergency Active Duty Pay	200,000	200,000
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30. POLICEMAN'S SURVIVOR TUITION ACT:		
(a) Support of Other Educational Activities Program, Estimated		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
As provided in Sections 36-21-95 through 36-21-99, Code of Ala- bama 1975.		
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Total Policeman's Survivor Tui- tion Act	15,000	15,000
<hr/>		
31. PRESIDENTIAL ELEC- TORAL EXPENSE:		
(a) Administrative Support Serv- ices Program, Estimated		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
As provided in Section 17-19-8, Code of Alabama 1975.		
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Total Presidential Electoral Expense	2,000	2,000
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32. PRINTING OF CODE SUP- PLEMENTS-LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Section 29-7-6, Code of Alabama 1975.		
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Total Printing of Code Supplements-Legislative Reference Service	500,000	500,000
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33. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:

(a) Administrative Support Services Program, Estimated		165,000
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SOURCE OF FUNDS:

(1) State General Fund	165,000	
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As provided in Sections 41-21-1 and 41-21-154, Code of Alabama 1975.

Total Printing Codes and Supplements-Secretary of State	165,000	165,000
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34. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated		500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000	
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As provided in Sections 41-4-130 through 41-4-161, Code of Alabama 1975.

Total Printing of Legislative Acts and Journals	500,000	500,000
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35. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:

(a) State Revenue Administrative Program, Estimated		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
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Total Printing of State and County Privilege Licenses	25,000	25,000
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36. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,150,000
(b) Voter Identification Assistance Program		60,000
SOURCE OF FUNDS:		
(1) State General Fund	60,000	
(2) State General Fund, Estimated	1,150,000	
In accordance with Sections 17-4-126 and 17-4-153, Code of Alabama 1975.		
Total Registration of Voters	1,210,000	1,210,000
<hr/>		
37. REMOVAL OF PRISONERS:		
(a) Administrative Services and Logistical Support Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	300,000	
As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, Code of Alabama 1975.		
Total Removal of Prisoners	300,000	300,000
<hr/>		
38. STATE GENERAL FUND, ESTIMATED		57,000,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income Fund Transfer, Estimated	57,000,000	
All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.		
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Total State General Fund, Estimated	57,000,000	57,000,000
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39. STATE TREASURER-PRE-
VIOUS YEAR'S UNPAID
WARRANTS:

(a) Special Services Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 41-4-60,
Code of Alabama 1975.

Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
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40. REPAYMENT-ACT 86-645 FUND NO. 305735		7,000,000
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Notwithstanding the provisions of
Act 87-761 or any other law to
the contrary, the above appro-
priation shall be conditioned on
the availability of funds in the
State General Fund, the recom-
mendation by the Director of Fi-
nance, and upon approval of the
Governor.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,000,000	
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Total Repayment-Act 86-645 Fund No. 305735	7,000,000	7,000,000
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2E. DEBT SERVICE FUNDED
FROM THE STATE GEN-
ERAL FUND:

1. General Obligation Capital Im- provement Bonds, Series B, Estimated		1,184,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,184,000	
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Total General Obligation Capital Improvement Bonds, Series B, Estimated	1,184,000	1,184,000
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2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,015,270
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,015,270	
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Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,015,270	1,015,270
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3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,599,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,599,000	
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Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,599,000	4,599,000
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4. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		3,401,367
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	3,401,367	
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Pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session.

Total Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated	3,401,367	3,401,367
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5. Corrections Institution Bonds, Estimated		1,817,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	1,817,000	
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Pursuant to Constitutional Amendment No. 374 as pro-

vided for in Act No. 134, 1978
Second Special Session.

Total Corrections Institution Bonds, Estimated	1,817,000	1,817,000
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6. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refund- ing Bonds, 1983, Series A and B, Estimated		66,665,897
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,665,897	
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Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refund- ing Bonds, 1983, Series A and B, Estimated	66,665,897	66,665,897
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2F. CONDITIONAL APPROPRIATIONS:

In addition to the appropriations heretofore made, there is hereby appropriated to the following agencies from the State General Fund the following amounts to be conditioned on the availability of funds in the State General Fund and upon the recommendation of the Finance Director and approval of the Governor.

1. Adjustment, Board of	100,000
2. Alabama Trust Fund Board	200,000
3. Auditor's Office	39,591
4. Building Commission	33,453
5. Cahaba Advisory Committee ...	382
6. Conservation and Natural Resources	992,813
7. Corrections, Department of	3,313,452
\$1,100,000 shall be used for ex- pended facilities at Bullock County.	
8. Alabama Development Office ..	1,305,611

9. District Attorneys	102,571
10. Economic and Community Affairs	4,340,000
11. Education, Department of	69,380
12. Elk River Development Agency	171
13. Emergency Management Agency	155,789
14. Environmental Management, Department of	324,365
15. Ethics Commission	16,834
16. Examiners of Public Accounts	560,665
17. Farm Crisis and Transition Center	72,900
18. Farmer's Market Authority	532
19. Finance, Department of	675,139
20. Finance-Air Transportation ..	98,301
21. Finance-Telephone Revolving Fund	188,895
22. Forensic Sciences	283,058
23. Geological Survey	15,037
24. Gorgas Memorial Board	3,210
25. Governor's Mansion	7,445
26. Governor's Mansion Advisory Board-Capital Outlay	250,363
27. Governor's Office	148,752
28. Department of Public Health	1,800,000
For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds.	
29. Industrial Relations, Depart- ment of	195,315
30. Insurance, Department of	362,653
31. Labor, Department of	21,123
32. Law Institute, Alabama	42,333
33. Legislative Fiscal Office	92,462

34. Legislative Reference Service	59,008
35. Mental Health, Department of	4,200,000
For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds.	
36. Motor Sports Hall of Fame	20,766
37. Oil and Gas Board	4,860
38. Public Safety	5,167,308
\$2,500,000 shall be used for Auto- mated Fingerprint Identifica- tion System.	
39. Secretary of State	118,282
40. Soil and Water Conservation	495
41. Southern Growth Policies Board	1,113
42. Treasurer	2,982
43. TVA Exhibit Commission	250,000
44. Veterans' Affairs	5,126
45. Women's Commission, Alabama	399
46. Youth Services	236,931
47. Advertising Lands for Tax	55,000
48. Election Expenses	1,500,000
49. Departmental Emergency Fund	500,000
50. Fair Trial Tax Transfer	500,000
51. Feeding of Prisoners	1,000,000
52. Department of Finance-Capi- tol Renovation	9,385,000
53. Department of Finance- FEMA	200,000
54. Governor's Proclamation Expense	50,000
55. Military Emergency Active Duty Pay	100,000
56. Policeman's Survivor Tuition Act	15,000

57. Registration of Voters	660,000
58. State Treasurer-Previous Year's Unpaid Warrants	75,000
59. Alabama Industrial Develop- ment Training-U.S. Air Force Standards Systems Center, Montgomery	1,500,000

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Notwithstanding any laws to the contrary, any receipts during fiscal year 1988-89 which exceed an amount of up to 1% of such fiscal year state revenue receipts or up to \$100,000, whichever is greater, to any state fund or from any state revenue source that exceed the amount appropriated by this Act to any state

fund, department, agency, division, board, bureau, commission, institution, or office with the exception of revenue to the Real Estate Commission; the Board of Cosmetology; the Department of Finance-Data Systems Management; Telephone Revolving Fund; Alabama Building Finance Authority; Capitol Complex Maintenance and Repair; Alabama Building Authority; Central Mail and Supply; Motor Pool; and Printing and Publications; Alabama Manufactured Housing Commission; and funds constitutionally earmarked for construction and maintenance of public roads and bridges shall be transferred to the State General Fund within thirty (30) days after September 30, 1989. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 305735 by Act 87-761 and this act are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amounts necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in Section 2C, subsection 100.

SECTION 9. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations

or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 11. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 12. That this Act shall become effective October 1, 1988.

Approved October 1, 1988

Time: 12:10 A.M.

Act No. 88-954

H. 45—Rep. Harper

AN ACT

To delete or restrict certain deductions from gross income for Alabama Income Tax purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1975 Section 40-18-15 is hereby amended to read as follows:

“(a) In computing net income, there shall be allowed as deductions:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered and including rentals and other payments required to be made as a condition of the continued use or possession for the purpose of trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

(2) Certain interest paid or accrued within the taxable year on indebtedness, but, in the case of a nonresident, the proportion of such interest which the amount of gross income from sources within the state of Alabama bears to the amount of gross income from all sources within and without the state of Alabama. Beginning with all tax years or periods beginning after December 31, 1987, the interest deductions allowed in each of such tax years or periods shall be limited to the amount allowable as an interest deduction for federal

income tax purposes in the corresponding tax year or period pursuant to the provisions of 26 USC 163, as such federal tax statute exists as of the effective date of this act.

(3) The following taxes paid or accrued within the taxable year:

a. Income taxes, Federal Insurance Contribution Act taxes, taxes on self-employment income and estate and gift taxes imposed by authority of the United States or any possession of the United States; provided, that the amount of such taxes apportioned by a nonresident taxpayer shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

b. State and local, and foreign, occupational license taxes and contributions to state unemployment funds.

c. State and local, and foreign, real property taxes.

d. State and local personal property taxes.

e. State and local general sales taxes.

f. The windfall profits tax imposed by 26 USCA 4986.

g. The taxes described in paragraphs c, d, e and f shall be deductible only to the extent that such taxes are deductible for federal income tax purposes under 26 USCA 164 (relating to taxes) and in the case of nonresidents, these taxes shall be apportioned to Alabama by the ratio that the amounts of adjusted gross income received from sources within Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

h. In addition, there shall be allowed as a deduction, state and local, and foreign taxes, except income taxes, and taxes imposed by authority of the United States or any possession of the United States, which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in 26 USCA 212 (relating to expenses for the production of income).

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise if incurred in trade or business;

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise if incurred in any transaction entered into for profit, though not connected with the trade or business; but, in the case of a taxpayer other than a resident of the state, only as to such transactions within the state;

(6) Losses sustained during the taxable year of property not connected with the trade or business, but in the case of a taxpayer

other than a resident of the state only of property within the state, if arising from fires, storms, shipwrecks or other casualty or from theft and not compensated for by insurance or otherwise. A loss described in this subdivision shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds \$100.00. For purposes of the \$100 limitation of the preceding sentence, a husband and wife using the rate table in subdivision (2) of section 40-18-5 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this subdivision shall be allowed if, at the time of filing the return, such loss has been claimed on the federal estate tax return;

(7) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama income tax law;

(8) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived including a reasonable allowance for obsolescence;

(9) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case based upon the cost, including the cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; and, in the case of leasehold interests, the deduction allowed by this section shall be equitably proportioned between the lessor and the lessee;

(10) Charitable contributions to the extent allowed for federal income tax purposes under 26 USCA 170 (relating to charitable contributions and gifts), but not subsection (i) thereof (relating to nonitemized charitable deductions), as in effect on January 1, 1982. In the case of a nonresident individual, this deduction shall be limited to the amount determined by multiplying the amount described in the previous sentence by a fraction, the numerator of which is the taxpayer's adjusted gross income from all sources within the state of Alabama and the denominator is the taxpayer's adjusted gross income from all sources.

(11) In the case of a resident individual, the deduction allowed such individual for federal income tax purposes by 26 USCA 219 (relating to retirement savings) as amended from time to time;

(12) The deduction allowed for federal income tax purposes by 26 USCA 404 and 26 USCA 405(c) (relating to qualified pension, profit sharing, stock bonus, annuity or bond purchase plans), as

amended from time to time, provided, however, that contributions to such plans on behalf of individuals who are employees within the meaning of 26 USCA 401(c)(1), as in effect from time to time (relating to self-employed individuals), shall be deductible only if such individuals are residents;

(13) For each individual income taxpayer, medical and dental expenses, including expense for medicine and drugs and amounts paid for accident and health insurance, paid during the taxable year 1982 and each year thereafter, to the same extent and subject to the same limitations when applied to the taxpayer's adjusted gross income for state tax purposes, as prescribed under the laws of the United States in force and effect January 1, 1982, in relation to income taxes due the United States;

(14) For each individual income taxpayer, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation or maintenance of property held for the production of income;

(15) Any expense not exceeding \$1,000.00 actually incurred during the taxable year in constructing on his property a family radioactive fallout shelter, as approved and certified by the state department of civil defense, and any amount not exceeding \$1,000.00 which he contributed during the taxable year toward the construction of a community radioactive fallout shelter; and

(16) a. An amount equal to the aggregate of the net operating loss carryovers to the taxable year, plus the net operating loss carrybacks to such year. For purposes of this subdivision, the term "net operating loss deduction" means the deduction allowed by this paragraph.

b. 1. A net operating loss for any taxable year ending after December 31, 1974, and before January 1, 1976, shall be a net operating loss carryback to the tax year preceding the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1975, and before January 1, 1977, shall be a net operating loss carry back to each of the two taxable years preceding the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1976, shall be a net operating loss carryback to each of the three taxable years preceding the taxable year of such loss.

2. A net operating loss for any taxable year ending after December 31, 1976, and before January 1, 1985, shall be a net operating loss carryover to each of the five taxable years following the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1984, shall be a net operating loss carryover to each of the 15 years following the taxable year of such loss.

c. The entire amount of the net operating loss for any taxable year (hereinafter referred to as the "loss year") shall be carried to the earliest of the taxable years to which, by reason of paragraph b, such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed:

1. With the modifications specified in paragraph f other than subparagraphs 1 and 3 thereof; and

2. By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter, and the taxable income so computed shall not be considered to be less than zero.

d. Any taxpayer entitled to a carryback period under paragraph b may elect to relinquish the entire carryback period with respect to a net operating loss for any taxable year ending after December 31, 1984. Such election shall be made in such a manner as may be prescribed by the commissioner, and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss for which the election is to be in effect. Such election, once made for any taxable year, shall be irrevocable for that taxable year.

e. For purposes of this subdivision, the term "net operating loss" means, for any taxable year ending after December 31, 1974, the excess of the deductions allowed by this chapter over the gross income. Such excess shall be computed with the modifications specified in paragraph f of this subdivision.

f. The modifications referred to in this subdivision are as follows:

1. No net operating loss deduction shall be allowed.

2. No deduction shall be allowed under sections 40-18-19(a)(6) and (7), and 40-18-19(b) (relating to personal exemptions and credit for dependents). No deductions in lieu of any such deduction shall be allowed.

3. The deductions allowable by this chapter which are not attributable to a taxpayer's trade or business, including the federal individual income tax deduction, shall be allowed only to the extent of the amount of the gross income not derived from such trade or business. For purposes of the preceding sentence:

- (i) Any gain or loss from the sale or other disposition of property used in the trade or business of a character which is subject to the

allowance for depreciation provided in subdivisions (8) and (9) of subsection (a), or real property used in the trade or business shall be treated as attributable to the trade or business;

(ii) The modifications specified in subparagraphs 1 and 3 shall be taken into account;

(iii) Any deduction allowable under section 40-18-15(a)(6) (relating to casualty losses) shall not be taken into account; and

(iv) Any deduction allowed under section 40-18-15(a)(12) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of said 26 USC 401(c)(1) (relating to self-employed individuals) shall not be treated as attributable to the trade or business of such individual.

4. The optional standard deduction allowed under section 40-18-15(b)(1) shall be treated as a deduction allowed by this chapter. For purposes of paragraph e:

(i) The deduction provided by the preceding sentence shall be in lieu of any itemized deductions of the taxpayer, and

(ii) Such sentence shall not apply to an individual who elects to itemize deductions.

g. In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

h. In the case of a taxable year beginning in 1974 and ending in 1975:

1. In lieu of the amount specified in paragraph e of this subdivision, the net operating loss for such year shall be that portion of the net operating loss for such year, computed without regard to this subparagraph, which the number of days in the loss year after December 31, 1974, bears to the total number of days in such year.

2. For purposes of the second sentence of subparagraph 3 of paragraph f of this subdivision, the taxable income for such year shall be that portion of the net income for such year, computed without regard to this subparagraph, which the number of days in such year before January 1, 1975, bears to the total number of days in such year.

(17) There shall be allowed resident taxpayers a deduction from the taxpayer's adjusted gross income for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual

domestic homes for the taxable year during which such conversion was completed.

(18) For individual resident taxpayers, alimony and separate maintenance payments, the amount deductible to be the same as the amount deductible for federal income tax purposes under 26 USCA 215 (relating to alimony payments), as in effect January 1, 1985.

(19) Moving expenses paid or incurred during the taxable year to the same extent that such expenses are deductible, except as provided herein, for federal income tax purposes under 26 USCA 217 (relating to moving expenses), as in effect January 1, 1982. The term "new principal place of work," as such term is made relevant hereto by the federal statute, means and includes only places of work located within the state of Alabama, and the deduction for moving expenses provided for herein shall be allowable only in the event that such "new principal place of work" is located within the state of Alabama.

(20) Any expense not exceeding \$35,000 actually incurred during the taxable year in removing from his property any architectural or transportation barriers to handicapped persons with nonambulatory and semiambulatory disabilities; provided, however, that any improvements resulting from such expense shall not be eligible to be capitalized for depreciation.

(21) Notwithstanding sub-division (1), beginning with all tax years or periods beginning after December 31, 1987, the deduction for expenses of travel, entertainment, and meals shall be determined in accordance with 26 USC 274.

(b) (1) In lieu of the deductions allowable to individual taxpayers, as provided in subdivisions (2), (3), (5), (6), (10), (13), (14), and (17) of subsection (a) of this section, for the taxable years beginning on and after January 1, 1982, at the election of the taxpayer required to use the rate schedule in subdivision (1) of section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$2,000.00, whichever is the lesser, and at the election of the taxpayer required to use the rate schedule in subdivision (2) of section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$4,000.00, whichever is the lesser and, in addition to said deduction, a deduction for the amount of federal income tax paid or accrued within the taxable year; provided, that in the case of a nonresident taxpayer the deduction for the optional standard deduction shall be an amount equal to the optional standard deduction that would be allowable if the taxpayer were a resident taxpayer, multiplied by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted income received from sources within and without the state of Alabama; and

the amount of federal income tax so deductible to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

(2) If separate returns are filed by husband and wife and one spouse elects to claim the deduction allowed herein, the election to claim such deduction will be denied unless the other spouse also elects to claim the deduction allowed herein.

(c) The term "adjusted gross income" as used in this section, shall mean the gross income as defined by section 40-18-14, less:

(1) The deductions allowed in this section which are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(2) Travel expenses, including the entire amount expended for meals and lodging, while away from home in the pursuit of a trade or business;

(3) The deductions allowed by this section, other than expenses of travel, meals and lodging while away from home, which consist of expenses paid or incurred by the taxpayer in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer;

(4) The deductions, other than those provided in subdivisions (1), (5) and (6), of subsection (a) allowed by this section and which are attributable to property held for the production of rents or royalties;

(5) The deductions, other than those provided in subdivision (1) of this subsection for depreciation and depletion, allowed by subdivisions (8) and (9) of subsection (a) of this section to a life tenant of property or to an income beneficiary of property held in trust; and

(6) The deduction, other than those provided in subdivision (1) of this subsection, allowed by section 40-18-8 as losses from the sale or exchange of property.

(d) In the case of a nonresident individual, the deductions allowed in subdivisions (1), (4), (5), (7), (8), (9) and (19) of subsection (a) of this section shall be allowed only if and to the extent that they are connected with income arising from a source within the state of Alabama, and a proper apportionment or allocation of the deductions with respect to sources of income within and without the state of Alabama shall be determined under rules and regulations prescribed by the department of revenue."

Section 2. Code of Alabama, 1975 Section 40-18-35 is hereby amended to read as follows:

“In computing the net income of domestic corporations doing business in this state subject to the tax imposed by section 40-18-31, there shall be allowed as deductions items described in the following numbered subdivisions of this section. In computing the net income of foreign corporations doing business in this state subject to the tax imposed by section 40-18-31, there shall be allowed as deductions the items described in the following numbered subdivisions of this section, but only if, and to the extent that, such items are referable to or arise in connection with income of such corporations arising from sources within the state of Alabama; the proper apportionment and allocation of deductions of such foreign corporations with respect to the income arising from sources within and without the state of Alabama shall be determined under the rules and regulations prescribed by the department of revenue; provided, that in the case of foreign corporations doing business partly within and partly without Alabama where income is apportioned and allocated to Alabama the expense incurred by such corporation in connection with earning such income shall be apportioned to Alabama in such manner as shall fairly reflect the net income of the corporation attributable to its operations in Alabama; provided, that none of the deductions allowed by subdivision (13) of this section shall be subject to any such apportionment or allocation and all thereof shall be allowed in full, any provisions thereof to the contrary notwithstanding. Subject to the limitations contained in the preceding sentence, there shall be allowed as deductions in computing the net income of corporations:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business including a reasonable allowance for salaries and other compensation for personal services actually rendered and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity;

(2) All interest paid or accrued within the taxable year on its indebtedness except on indebtedness incurred or continued to purchase or carry obligations or securities, other than obligations of the United States issued after September 24, 1917, the interest upon which is wholly exempt from taxation under this title as income to the taxpayer; in the case of a foreign corporation, the proportion of such interest which shall be deductible shall be a portion of such interest determined by the ratio the amount of its gross income from sources within the state of Alabama bears to the amount of its gross income from all sources both within and without the state of Alabama;

(3) Taxes paid or accrued within the taxable year imposed (i) by the authority of the United States; (ii) by authority of any of its possessions; or (iii) by the authority of any state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory not including income tax and not including those assessed for local benefits of a kind tending to increase the value of the property assessed but excluding the income taxes levied and imposed under this title. In the case of a foreign corporation, taxes paid or accrued within the taxable year imposed by the authority of the state of Alabama or any county, school district, municipality or any other taxing subdivision of the state of Alabama excluding the income taxes levied and imposed under this title and the amount of taxes other than income taxes imposed by other authorities mentioned in this subdivision which shall be deductible by such foreign corporations shall be determined by the ratio that the gross income of the foreign corporation from sources within the state of Alabama bears to its gross income from all sources both within and without the state of Alabama; the amount of federal income tax which shall be deductible by such foreign corporation shall be determined by the ratio that the net income, as computed without any deduction for any applicable federal, state or local taxes on net income or any federal or state or local taxes measured by net income, of the corporation on business done within Alabama bears to its net income, as computed without any deduction for any applicable federal, state or local taxes on net income or any federal or state, or local taxes measured by net income, from business done both within and without the state of Alabama;

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise;

(5) Losses from debts which become wholly or partially worthless during the taxable year determined in accordance with 26 USC 166 (relating to bad debts), as in effect on January 1, 1985, or, in lieu of the foregoing, a reasonable addition to a reserve for bad debts as provided in said 26 USC 166;

(6) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence;

(7) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, based upon the cost, including cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; in the case of leases the deductions allowed by this subsection shall be equitably apportioned between the lessor and the lessee;

(8) In the case of marine insurance companies, there shall be allowed amounts repaid to policyholders on account of premiums previously paid by them and interest paid on such amounts between the ascertainment and the payment thereof;

(9) In the case of mutual insurance companies, other than mutual life or mutual marine insurance companies requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses and reinsurance reserves;

(10) Charitable contributions, to the extent deductible for federal income tax purposes under 26 USC 170, as in effect on January 1, 1985;

(11) The deduction allowed for federal income tax purposes by 26 USCA 404 and 26 USCA 405, both as amended from time to time;

(12) A deduction for any expense not exceeding \$35,000.00 actually incurred during the taxable year in removing from any facility or structure in operation in the state of Alabama any architectural or transportation barriers to handicapped persons with nonambulatory or semiambulatory disabilities; provided, however, that any improvements resulting from such expense shall not be eligible to be capitalized for depreciation.

(13) All amounts invested during the taxable year in all devices, facilities or structures and all identifiable components thereof or materials for use therein, used or placed in operation in the state of Alabama, or to be used or placed in operation in the state of Alabama, acquired or constructed primarily for the control, reduction or elimination of air or water pollution; provided, that in lieu of deducting such amounts, the corporation may elect to amortize all such amounts over such period, not exceeding the useful life of devices, facilities or structures for which such amounts were expended as it specifies in its tax return respecting the taxable year during which such amounts were expended, in which case it shall be entitled to appropriate deductions for the taxable years so specified; and provided further, that the taking of any deduction authorized by this subdivision shall be optional with the corporation; and that if any such deduction is taken with respect to such devices, facilities or structures, such corporation shall not be permitted any allowance for depreciation or obsolescence thereof otherwise allowable under this section; and

(14) The amounts received during taxable years beginning on or before December 31, 1968, as dividends from a corporation, or any subsidiary corporation of which the parent organization owns as much as 50 percent of the capital stock, which is taxable under

this title upon the net income of the parent corporation or the subsidiary; the amounts received after December 31, 1968, as dividends, including liquidating dividends, whether received in cash or property or both, from a corporation or any subsidiary corporation which is either taxable under this chapter upon its net income or exempt from taxation under this chapter by virtue of being an insurance company upon which the statutes of Alabama impose a tax upon, measured by, or with respect to its premium income, if at the time of the receipt of such dividends the corporation receiving such dividends is the owner of stock in the corporation distributing such dividends:

a. Possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote; and

b. Constituting at least 50 percent of the total number of shares of all classes of stock other than classes of stock which are limited and preferred as to dividends.

(15) Organizational expenses ratably over a period of not less than 60 months determined in accordance with 26 USC 248, as in effect from time to time.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and the provisions herein shall apply to all tax years or periods beginning after December 31, 1987.

Approved October 1, 1988

Time: 12:15 A.M.

Act No. 88-955

H. 14—Rep. Harper

AN ACT

To amend Section 40-12-227 of the Code of Alabama, 1975 relating to the disposition of tax proceeds on the leasing or renting of tangible personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-227, Code of Alabama, 1975 is hereby amended to read as follows:

“Section 40-12-227.

“The total proceeds of the taxes or other funds deposited in the state treasury pursuant to Section 40-12-226 remaining after payment of the expenses of administration and enforcement of this article shall be distributed as follows: a.) 60% to the State General Fund; and

b.) 40% to the Alabama Special Educational Trust Fund.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective October 1, 1988 in the event that House Bill 45 introduced in the 1988 Second Special Session dealing with the state income tax is passed by the Legislature and signed by the Governor or otherwise is enacted into law.

Approved October 4, 1988

Time: 11:15 A.M.

Act No. 88-956

H. 15—Rep. Harper

AN ACT

To amend Section 40-26-20 of the Code of Alabama, 1975 relating to the disposition of proceeds from the transient occupancy tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-26-20 of the Code of Alabama, 1975 is hereby amended to read as follows:

“Section 40-26-20.

“One-fifth of the proceeds of the tax levied by this chapter in counties which are members of the Alabama Mountain Lakes Association, after deduction of an agreed upon cost of collection between the counties involved and the state department of revenue, such cost of collection not to exceed five percent, shall be appropriated in the following manner: Fifty percent of said portion shall be appropriated to the Alabama Mountain Lakes Association to be used for promotion of tourism and travel. The remaining fifty percent of said portion shall be paid to the respective counties to be used for the promotion

of tourism, recreation and conventions. Said money shall be controlled by the county commission unless local law provides otherwise. The balance of all taxes or other funds received or collected by the department under the provisions of this chapter shall be without delay deposited in the state treasury. Three-fourths of said balance of the revenue derived under this chapter shall be deposited into the State General Fund, and the remaining one-fourth shall be used exclusively for state travel advertising and travel promotion by the state bureau of tourism and travel from the appropriation made by the legislature."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective October 1, 1988 in the event that House Bill 45 introduced in the 1988 Second Special Session dealing with the state income tax is passed by the Legislature and signed by the Governor or otherwise is enacted into law.

Approved October 4, 1988

Time: 11:15 A.M.

Act No. 88-957

H.J.R. 13—Reps. Buskey (JL), McKee,
Hooper, Holmes, Mikell
and Walker

HOUSE JOINT RESOLUTION

COMMENDING THE CENTRAL ALABAMA OPPORTUNITIES INDUSTRIALIZATION CENTER, INC., ON ITS TWENTIETH ANNIVERSARY.

WHEREAS, the Alabama Legislature notes that on September 16, 1968, the Central Alabama Opportunities Industrialization Center, Incorporated (OIC), organized by Mrs. Consuello "Connie" J. Harper, has provided a voluntary self-help training program for the unemployed, underemployed, unskilled and semiskilled persons to function more effectively in the community and society by offering to help people to help themselves; and

WHEREAS, Central Alabama OIC in 1968 received its first donation from Governor George C. Wallace and later in 1970 as Governor, he appropriated \$35,000 from his discretionary funds, and in 1977, Governor Wallace implemented a line item appropriation in the state budget in the amount of \$350,000 for OIC, and in 1986, Governor Wallace provided matching state funds of \$300,000 to build the new Central Alabama OIC facility; and

WHEREAS, Central Alabama OIC in 1970 started the first rural transit system in the deep South and was rated among the top five manpower programs in the Nation by Development Associates, Inc., under contract from the Office of Economic Opportunity; and

WHEREAS, The Alabama Journal on October 13, 1972, published an editorial proclaiming the OIC program "one of the truly remarkable manpower training systems in the country"; and

WHEREAS, Central Alabama OIC has contributed 100% of its time in providing services to low-income elderly through housing counseling, housing rehabilitation and housing development; and

WHEREAS, Central Alabama OIC receives private industry support to supplement its programs and has expanded the OIC program with counseling, job survival skills training and placement and follow-up for youth 16-21 years of age; and

WHEREAS, the National Alliance of Business' Distinguished Performance Award was presented to Central Alabama OIC for being the best job placement agency for youth in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize the many contributions, dedication and visionary goals of the leaders and officers of the Central Alabama OIC over its twenty years of service, all of which have provided job opportunities for the unemployed, underemployed, unskilled or semiskilled person and has served the needs of numerous Alabama families.

BE IT FURTHER RESOLVED, That our best wishes and congratulations are given to all members and participants of the Central Alabama Opportunities Industrialization Center, Inc., on the celebration of its twentieth anniversary.

RESOLVED FURTHER, That official copies of this resolution be transmitted to the appropriate officers or executives of the organization so that they and their members may know of this Legislature's appreciation for their many contributions to numerous Alabamians and communities.

Approved October 6, 1988

Time: 9:00 A.M.

Act No. 88-958

H.J.R. 5—Rep. Black

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JESSIE DIXON OF
CHOCTAW CITY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Mr. Jessie Dixon of Choctaw City, Choctaw County, Alabama, on September 25, 1988, at the age of 74 years; and

WHEREAS, Mr. Dixon, a prominent community leader, served as treasurer of the Concerned Citizens Organization, was a former Worshipful Master of his Masonic lodge, former Worthy Patron of Order of Eastern Star, and was an active member and steward of Cooper Chapel CME Church; and

WHEREAS, the death of Mr. Dixon has indeed left a deep void in the life of the community and in the hearts of his beloved family, neighbors and friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Jessie Dixon of Choctaw City in Choctaw County, Alabama, and extend sincere and deepest sympathy to his wife, Mrs. Eva Dixon; to his five daughters and five sons; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved October 6, 1988

Time: 9:01 A.M.

Act No. 88-959

H.J.R. 7—Reps. Kvalheim, Gaston
and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING ROSEMARY FOX, 1988 REALTOR OF THE YEAR.

WHEREAS, the Alabama Legislature most heartily congratulates and commends Rosemary C. Fox of Mobile as 1988 Realtor of the Year, a prestigious bestowal by the Mobile County Board of Realtors in recognition of Ms. Fox's significant contribution to profession and community; and

WHEREAS, Rosemary Fox, in professional service and leadership, is secretary-treasurer of the Mobile County Board; has served two terms on the Board and chaired eight committees; and also has served the Women's Council of Realtors as president and in other positions as well; and

WHEREAS, at higher professional levels, Ms. Fox has served two terms on the state board of directors and as chairman of four

different committees; she is a former officer of the State Women's Council and has served on five committees of the National Association of Realtors and the National Women's Council; and

WHEREAS, Ms. Fox further is involved in numerous civic and community activities, including service and leadership with the Mobile SPCA, Mobile Animal Shelter Advisory Board, Mobile Arts Council, Chamber of Commerce, Heart Fund and Junior Achievement, among others, and has been appointed by the Alabama Attorney General and Secretary of State to serve on three state task forces; and

WHEREAS, Rosemary Fox, in addition to the Mobile County Realtor of the Year Award, is the recipient of many other recognitions including Gayfers' Outstanding Career Award, Outstanding Young Women of America and WCR Mobile Chapter Woman of the Year, as well as several statewide honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Rosemary C. Fox of Mobile, Alabama, for outstanding professional contributions and achievements, and for distinguished community service, and do further direct that she receive a copy of this resolution of sincere warm praise and esteem.

Approved October 6, 1988

Time: 9:02 A.M.

Act No. 88-960

H.J.R. 11—Rep. Johnson (RW)

HOUSE JOINT RESOLUTION

COMMENDING MORRIS SOKOL OF TUSCALOOSA, ALABAMA, AND DESIGNATING HIM AS DIRECTOR EMERITUS OF THE TUSCALOOSA COUNTY PARK AND RECREATION AUTHORITY BOARD.

WHEREAS, Morris Sokol of Tuscaloosa, Alabama, is a native of Birmingham and a graduate of Phillips High School and of the University of Alabama School of Commerce and Business Administration; he also attended the University of Alabama School of Law, and is a United States Army veteran of World War II who rose to the rank of captain and served in the European Theatre of Operations; and

WHEREAS, "Munny" Sokol, as he is widely and affectionately known, is a prominent Alabama businessman who retired in 1969

as president and manager of a highly successful retail furniture chain; and

WHEREAS, in addition, however, to his business responsibilities, Mr. Sokol early assumed a responsible and highly commendable leadership role in community, state and national affairs, serving with utmost dedication and generously extending his talents and ability to include innumerable charitable, religious, civic and community endeavors in the Tuscaloosa area, throughout the state and on the national level, as well; and

WHEREAS, Mr. Sokol has been most particularly conscientious in service to the Tuscaloosa County Park and Recreation Authority, having served with distinction as a member of the Authority's board since its inception in 1969 until 1988; and

WHEREAS, in commendation of Mr. Sokol's many outstanding contributions to community, state and nation, it is entirely desirable that such service be recognized in an appropriate manner of lasting honor and tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Morris "Munny" Sokol of Tuscaloosa, Alabama, as Director Emeritus of the Tuscaloosa County Park and Recreation Authority Board and who shall be vested with all privileges, save voting power, thereto associated with said lifetime term of service.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Sokol as a memento of this honorary designation of the legislature.

Approved October 6, 1988

Time: 9:03 A.M.

Act No. 88-961

H.J.R. 12—Reps. Moon and Junkins

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROY DAVID JOHNSON OF ARAB, ALABAMA

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Roy David Johnson of Arab, Alabama, on July 28, 1988; and

WHEREAS, a native of Rome, Georgia, and formerly of the Diamond Community near Guntersville, Mr. Johnson attended school

in Guntersville, and in Tallahassee, Florida, where he played high school football; and

WHEREAS, Mr. Johnson enlisted in the National Guard during World War II and, when his unit was activated, was sent overseas with the U. S. Infantry, landing at Omaha Beach six days after D-Day; and

WHEREAS, on August 7, 1944, Mr. Johnson was captured by the Germans; was imprisoned at Trier, Germany, Stalag XII-A and Stalag III-C; and was decorated with the Combat Infantry Badge, Mortain Distinguished Unit Badge, Normandy Campaign Badge, the Northern France Campaign Badge, the Presidential Unit Citation, and just four days before his death, received the Prisoner of War Badge that was authorized recently by the Congress; and

WHEREAS, Mr. Johnson, a retired plastering contractor and grocer, was a deacon for 24 years and deacon emeritus of the First Baptist Church of Arab, former longtime Democratic Beat 26 committeeman and a charter member and past chaplain of his community's Disabled American Veterans chapter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Roy David Johnson of Arab, Alabama, and extend our very deepest sympathy to his wife, Mrs. Gladys Junkins Johnson; to his children, Jane Johnson Hamm, Neal Johnson and Roy W. Johnson; and to other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

Approved October 6, 1988

Time: 9:04 A.M.

Act No. 88-962

H.J.R. 19—Rep. Bryant

HOUSE JOINT RESOLUTION

CONGRATULATING THE FRANCIS MARION HIGH SCHOOL RAMS AS ALABAMA'S STATE 2A BASKETBALL CHAMPIONS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Francis Marion High School, Marion, Alabama, on the 1988 State 2A Basketball Championship; and

WHEREAS, under the talented leadership and direction of Head Coach Woodie Jackson, Selma Times Journal Coach-of-the-Year, the

Marion High School Rams compiled a fantastic 26-3 regular season record; and

WHEREAS, the Rams then defeated Holy Family, 71-54, in the first game of the State Play-offs which they followed with 66-53 win over Wicksburg High; in the Championship Game, it was 56 for the Rams, 55 for Clay County High School, and the State 2A Title belonged to the victorious Rams of Marion High; and

WHEREAS, Marion High School's Champion Cagers, each of whom contributed greatly to the Rams' overall 29-3 season and the State Crown, are Willie Shears, Joseph Moore, Noble Howze, Keith Tubbs, Stanley Stewart, Kay Arthur Parker, Chester Lapsley, Darryl Moore, Darryl Norfleet, Jimmy Fuller, Samuel Hollis and William Cole; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend our State 2A Basketball Champions, the Marion High School Rams, and Coach-of-the-Year Woodie Jackson for outstanding achievement, and do further direct that copies of this resolution be provided for presentation to Principal Maxine Coley, Athletic Director Edward Daniel, Coach Jackson and the Rams, and for appropriate school display.

Approved October 6, 1988

Time: 9:05 A.M.

Act No. 88-963

H.J.R. 22—Rep. Hamilton

HOUSE JOINT RESOLUTION

COMMENDING THE OFFICIALS AND EMPLOYEES OF THE ROGERSVILLE WATER DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation and praise the outstanding accomplishments of the Rogersville Water Department and its recognition for the past three years by the Alabama Water and Pollution Control Association (AWPCA); and

WHEREAS, in consideration, along with other water department operations throughout Alabama, Rogersville was judged by AWPCA as having Alabama's best system for its state population classification, based on such criteria as equipment maintenance, record keeping, appearance and water loss percentage; and

WHEREAS, we further note that this is the third consecutive year (1985-1987) that the Rogersville department has been so highly honored, which is a distinct tribute to the management and to all department employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Rogersville Water Department officials and employees for outstanding accomplishment, and do further join the citizens of Rogersville in expressing sincere appreciation and praise of the department's dedicated commitment on behalf of their community.

BE IT FURTHER RESOLVED, That a copy of this commendatory resolution be provided for appropriate display by the Rogersville Water Department.

Approved October 6, 1988

Time: 9:06 A.M.

Act No. 88-964

H.J.R. 27—Rep. Mikell

HOUSE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING ACT NO. 88-620, H. 1032, 1988 REGULAR SESSION, WHICH PROVIDES FOR THE CREATION OF FIRE DISTRICTS IN ELMORE COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is hereby declared that the legislative intent of Act No. 88-620, H. 1032, 1988 Regular Session, is that the service charge imposed in Section 14 of the Act shall be on assessed property value.

Approved October 6, 1988

Time: 9:07 A.M.

Act No. 88-965

H.J.R. 20—Rep. Burke

HOUSE JOINT RESOLUTION

DESIGNATING THE ACT NO. 88-856, S. 196, 1988 FIRST SPECIAL SESSION, AS THE "DIXON-BUTLER CONTRACT REVIEW ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 88-856, S. 196, 1988 First Special Session, is hereby designated the "Dixon-Butler Contract Review Act."

Approved October 6, 1988

Time: 9:08 A.M.

Act No. 88-966

H.J.R. 31—Reps. Biddle, Wright, Payne, White (G), McDowell, Beers, Curry, Davis, Escott, Gray, McClain, Newton, Perdue, Petelos, Rogers, Seibels, Slaughter and Spratt

HOUSE JOINT RESOLUTION

NAMING THE BRIDGE OVER THE LOCUST FORK OF THE BLACK WARRIOR RIVER IN JEFFERSON COUNTY, THE "RAY MOORE BRIDGE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Mr. Ray Moore's conscientious and dedicated service on the county commission to secure its funding, the concrete bridge located on the Warrior-Kimberly Road across the Locust Fork of the Black Warrior River in Section 24, Township 14 South, Range 3 West, in Jefferson County is hereby named and shall henceforth and forever be known as the "Ray Moore Bridge."

BE IT FURTHER RESOLVED, That the Jefferson County Commission is authorized to purchase and display signs so recognizing said bridge as the "Ray Moore Bridge."

RESOLVED FURTHER, That Mr. Moore receive a copy of this resolution as a memento of this honorary designation, executed by the Legislature in highest regard of his many contributions to Jefferson County and all citizens thereof.

Approved October 6, 1988

Time: 9:09 A.M.

Act No. 88-967

S.J.R. 4—Senator Rice

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF A. B. CLARK OF DOTHAN, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of A. B. Clark of Dothan, Alabama, on August 13, 1988, at the age of 62 years; and

WHEREAS, Mr. Clark, who was a native of Newton and a lifelong resident of the Wiregrass, had resided in Dothan for the past 35 years; he was a member of Cloverdale United Methodist Church and a supporter of a number of other civic, charitable and community affairs in the Dothan area and throughout all of Houston County; and

WHEREAS, A. B. Clark served for 16 years as Sheriff of Houston County for a tenure in office that was the longest in the history of Houston County; first elected in 1966 he was subsequently reelected to three consecutive four-year terms and, in 1974, become the county's first ever three-term sheriff, and was thereafter to serve an unprecedented fourth term from 1978-1982; and

WHEREAS, widely known as "one of the last of the old-time sheriffs," A. B. Clark was indeed an exemplary and dedicated public servant, and his death has left a deep void in the law enforcement and Houston County communities, and in the hearts of his beloved family, and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Sheriff A. B. Clark of Dothan, Alabama, and extend sincere and deepest sympathy to his wife, Mrs. Runell Clark; sons, Alan and Ken Clark; daughters, Sheila Clark Mills and Jan Clark Hembree; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved October 6, 1988

Time: 9:10 A.M.

Act No. 88-968

S.J.R. 2—Senator Bedford

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 88-397, H. 721, REGULAR SESSION 1988, RELATING TO MARION COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby declare and state that the legislative intent of Act No. 88-397, H. 721 (Acts 1988, p. 586), is to provide that the revenue collected pursuant

to the act be used by the newly named Marion County Water Coordinating and Fire Prevention Authority.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the tax collector of Marion County.

Approved October 6, 1988

Time: 9:11 A.M.

Act No. 88-969

S.J.R. 3—Senator Bedford

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 88-560, S. 665, REGULAR SESSION 1988, RELATING TO FRANKLIN COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby declare and state that the legislative intent of Act No. 88-560, S. 665 (Acts 1988, p. 876), is to provide that the revenue collected pursuant to the act be used by the newly named Franklin County Water Coordinating and Fire Prevention Authority.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the tax collector of Franklin County.

Approved October 6, 1988

Time: 9:12 A.M.

Act No. 88-970

S.J.R. 5—Senators Dial and Rice

SENATE JOINT RESOLUTION

COMMENDING CALVIN WOOTEN OF ANNISTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS ON BEHALF OF THE BLIND AND VISUALLY IMPAIRED.

WHEREAS, it is with great pride and pleasure that we note the selection of Calvin Wooten of Anniston, Alabama, as the recipient of the 1988 Migel Medal, layperson category, by the American Foundation for the Blind in recognition of Mr. Wooten's dedication and achievement in significantly improving the lives of blind and visually impaired people; and

WHEREAS, Mr. Wooten, blind since the age of six, is a graduate of the Alabama School for the Deaf and Blind, and is a highly successful businessman whose interests include a retail piano sales and service business, a finance company and a real estate agency; and

WHEREAS, also a prominent community leader, Mr. Wooten is a member of the Anniston Rotary Club, Calhoun County Chamber of Commerce and the American Foundation for the Blind; he further is a former three-term president of the American Council of the Blind and currently serves as vice chairman of the board of trustees for the Alabama Institute for the Deaf and Blind; and

WHEREAS, Mr. Wooten, a man of outstanding ability, ingenuity and vision, is credited, among other accomplishments, with the phenomenal increase in interest earned by AIDB, which has grown from some \$80,000 (1958-1981) to more than \$2.5 million during the period 1980-1987; and

WHEREAS, Calvin Wooten has indeed played an instrumental role in securing a better life for those who are sensory impaired, and it is with gratitude that we acknowledge his many contributions to their benefit and well being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Calvin Wooten of Anniston, Alabama, for outstanding achievement and service to others, and do further direct that he receive a copy of this resolution of sincere praise and esteem.

Approved October 6, 1988

Time: 9:13 A.M.

Act No. 88-971

S.J.R. 6—Senators Parsons, Cabaniss
and Denton

SENATE JOINT RESOLUTION

COMMENDING JACK BOYKIN OF MONTROSE, ALABAMA, FOR OUTSTANDING GENEROSITY AND SERVICE TO THE ETHICS COMMISSION AND STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation and deep appreciation the generosity of Mr. Jack Boykin, Montrose, Alabama, in his gift of a Zenith Data Systems personal computer to the State Ethics Commission; and

WHEREAS, the Ethics Commission is now in the process of customizing a software program to facilitate the department's record-keeping process, and Mr. Boykin's personal donation will enable the Commission to install the system at considerable savings to the State; and

WHEREAS, Mr. Boykin, a prominent Alabama industrialist and community leader, is a former member and chairman of the Ethics Commission, and this gift is in continuing spirit of Mr. Boykin's longtime commitment to service of great benefit to the State of Alabama and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation and sincere praise of outstanding generosity and service to community and State, we hereby commend Jack Boykin of Montrose, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved October 6, 1988

Time: 9:13 A.M.

Act No. 88-972

S.J.R. 14—Senators Dial, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

NAMING H. B. 6, ACT NO. 88-873, THE "CAMPBELL-BENNETT ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. B. 6, which became Act No. 88-873 of the 1988 First Special Session and which

has been termed the "Fair Campaign Practices Act," is hereby named and designated as the "Campbell-Bennett Act."

Approved October 6, 1988

Time: 9:14 A.M.

Act No. 88-973

S.J.R. 16—Senators Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES WALSTON HESTER OF RUSSELLVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of James Walston Hester of Russellville, Alabama, on July 2, 1988, at the age of 75 years; and

WHEREAS, a native of Franklin County, Mr. Hester was a graduate of Auburn University and former member of the Auburn Board of Trustees; a United States Army veteran; a member of the First Baptist Church of Russellville and organizer of the T. R. Pritchard Sunday School; and a charter member of the Lions Club; and

WHEREAS, he also was a director on several bank boards, past president of First State Bank of Phil Campbell, an organizer of the Russellville Marching Hundred Band and, at the time of his death, was serving in semi-retirement as a real estate broker; and

WHEREAS, Walston Hester further served as a member of the Alabama House of Representatives from 1962 to 1966 and it was during this time that he sponsored legislation to create the Alabama College System; he was instrumental, as well, in the development of the system which includes Northwest Alabama State Junior College, the state's first junior college, and served as president of the Board

of Directors of the Northwest Junior College Foundation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of James Walston Hester of Russellville, Alabama, and extend sincere and deepest sympathy to his beloved wife, Mrs. Jewel Chenault Hester; daughter, Judy Joy Hester Bodie; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved October 6, 1988

Time: 9:15 A.M.

Act No. 88-974

S.J.R. 21—Senator Bedford

SENATE JOINT RESOLUTION

DESIGNATING A CERTAIN ROAD LOCATED OFF ALABAMA HIGHWAY 18 IN FAYETTE COUNTY AS THE "PIERCIE KIMBRELL ROAD."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the road located off of Alabama Highway 18 approximately three miles outside the corporate limits of the Town of Berry in Fayette County, is hereby designated as the "Piercie Kimbrell Road."

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the State Highway Department.

Approved October 6, 1988

Time: 9:16 A.M.

Act No. 88-975

S.J.R. 30—Senators Hilliard, Bedford,
Langford and Horn

SENATE JOINT RESOLUTION

COMMENDING ARTHUR D. SHORES OF BIRMINGHAM, PROMINENT ALABAMA ATTORNEY AND CIVIL RIGHTS LEADER.

WHEREAS, the Legislature of Alabama, in consensus of commendation and esteem, notes the selection of Arthur D. Shores of

Birmingham, Alabama, as the recipient of the Living Legacy Award to be presented at the National Caucus and Center on Black Aged, October 12, 1988; and

WHEREAS, a native of Jefferson County, Mr. Shores was educated in the Birmingham Public Schools, Talladega College and the University of Kansas; he received his L.L.B. in 1934, was admitted to the Alabama Bar in 1937 and to practice before the United States Supreme Court in 1943; and

WHEREAS, Mr. Shores, now in practice for 50 years and vice president and general counsel for Citizens Federal Savings Bank, has practiced law throughout the entire state and has been widely and affectionately termed as "the dean of black lawyers in the State of Alabama"; and

WHEREAS, his professional, general, religious and political affiliations are legion, as are his many accolades which include Who's Who in American Politics, Who's Who in Commerce and Industry, Who's Who in the South and Southwest, Who's Who in Negro America, International Yearbook, Statesman's Who's Who, Library of Alabama Lives and the Alabama Academy of Honor; and

WHEREAS, although outstandingly prominent in the legal community and in civic leadership, Mr. Shores is distinctly eminent as a leading proponent of civic, political and human rights, serving as the sole black trial lawyer in Alabama from 1940 to 1950 and was counsel for a number of landmark desegregation cases including Dr. Martin Luther King, Jr., and others, in the Montgomery bus boycott prosecutions; the State of Alabama against the N.A.A.C.P.; E. L. Shuttlesworth, and others, against the City of Birmingham and the Birmingham Transit Company; Vivian J. Malone against the University of Alabama; the Equalization of Negro teachers' salaries in Jefferson County, Alabama, and Columbia, S. C.; and United States Steel against L & N Railroad; and

WHEREAS, Arthur D. Shores is indeed a man to be honored by all men and we are privileged to join in tribute to Mr. Shores as one of the Living Legacies of the Civil Rights Movement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, extraordinary contributions to community, state and nation, and in gratitude for his lifetime labors on behalf of his fellowman, we hereby most highly commend Arthur D. Shores of Birmingham, Alabama, and do further direct that he receive a copy of this resolution of highest esteem.

Approved October 6, 1988

Time: 9:17 A.M.

Act No. 88-976

S.J.R. 35—Senators Smith (J), Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders and Smith (B)

SENATE JOINT RESOLUTION

COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND MARSHALL SPACE FLIGHT CENTER ON THE SUCCESSFUL LAUNCH OF THE DISCOVERY SHUTTLE.

WHEREAS, it is with inordinate pride that the Alabama Legislature commends and congratulates the National Aeronautics and Space Administration and the Marshall Space Flight Center, Huntsville, on the successful launching of the Discovery shuttle on September 29, 1988; and

WHEREAS, America's triumphant return to space followed a period of 32 months spent in the redesign and extensive re-testing of the shuttle's booster rockets which were to perform flawlessly on liftoff as scheduled for September 29, 1988; and

WHEREAS, once settled in orbit and just six hours following liftoff, the Discovery crew accomplished the shuttle's primary mission by successfully releasing a satellite to provide communication between future shuttle missions and NASA; and

WHEREAS, although we share the triumph of this Discovery flight with all agencies involved in our nation's reentry into the manned space program, we are most particularly proud of the Marshall Space Flight Center's essential role in directing the redesign of the shuttle's propulsion system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend NASA and the Marshall Space Flight Center on the safe launching of the Discovery shuttle and on America's triumphant return to space.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to NASA headquarters and to the Marshall Space Flight Center in Huntsville.

Approved October 6, 1988

Time: 9:18 A.M.

Act No. 88-977

S.J.R. 43—Senators Denton, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

CONGRATULATING DR. D. L. "DAN" IRELAND, PRESIDENT OF THE AMERICAN COUNCIL ON ALCOHOL PROBLEMS.

WHEREAS, the Alabama Legislature, with highest commendation, notes the election of Dr. D. L. "Dan" Ireland of Birmingham, Alabama, as President of the American Council on Alcohol Problems (ACAP); and

WHEREAS, the American Council on Alcohol Problems is a prominent national organization of affiliates in 37 states concerned with the control of the traffic in alcoholic beverages and the resulting problems; and

WHEREAS, Dr. Ireland, is a graduate of Ensley High School, Samford University and the New Orleans Baptist Theological Seminary and has been active in pastorates throughout the state of Alabama and he has earned the respect and love of many throughout the state for his generous ministry to them and he has served as President of the Alabama Baptist State Convention and held many other important denominational offices; and

WHEREAS, Dr. Ireland has served on various task forces and government projects to alleviate the suffering of his fellowmen and has made outstanding contributions for enriching the lives of others, and he has been a dedicated worker in scouting and has given his

time and talents in service to many civic organizations, including the United Givers and Civitan, International; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the numerous distinguished achievements and service, and in his prestigious election to the presidency of the American Council on Alcohol Problems we do highly commend and honor Dr. D. L. "Dan" Ireland, and we do further direct that he receive a copy of this resolution.

Approved October 6, 1988

Time: 9:19 A.M.

Act No. 88-978

S.J.R. 26—Senators Amari, Parsons, Cabaniss,
Horn and Bedford

SENATE JOINT RESOLUTION

NAMING THE BRIDGE OVER THE LOCUST FORK OF THE BLACK WARRIOR RIVER IN JEFFERSON COUNTY, THE "RAY MOORE BRIDGE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Mr. Ray Moore's conscientious and dedicated service on the county commission to secure its funding, the concrete bridge located on the Warrior-Kimberly Road across the Locust Fork of the Black Warrior River in Section 24, Township 14 South, Range 3 West, in Jefferson County is hereby named and shall henceforth and forever be known as the "Ray Moore Bridge."

BE IT FURTHER RESOLVED, That the Jefferson County Commission is authorized to purchase and display signs so recognizing said bridge as the "Ray Moore Bridge."

RESOLVED FURTHER, That Mr. Moore receive a copy of this resolution as a memento of this honorary designation, executed by the Legislature in highest regard of his many contributions to Jefferson County and all citizens thereof.

Approved October 6, 1988

Time: 9:20 A.M.

Act No. 88-979

S.J.R. 46—Senator Drinkard

SENATE JOINT RESOLUTION

SINE DIE ADJOURNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Friday, September 30, they adjourn sine die.

Approved October 6, 1988

Time: 9:21 A.M.

Act No. 88-980

S. 16—Senator Rice

AN ACT

To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for truck trailers, tractor trailers and semitrailers, so as to authorize a five-year registration option for these vehicles as now permitted for rental utility trailers, and gives the Department of Revenue the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-252, Code of Alabama 1975, as amended, is hereby amended as follows:

“§40-12-252. Basis of tax for truck trailers, tractor trailers and semitrailers.

“(a) For each trailer, other than house trailers, and each semitrailer operated on the public highways of this state, the following annual license taxes and registration fees are hereby imposed and shall be charged:

“(1) For each privately owned utility trailer, which is not operated for hire, lease or rental, \$3.00;

“(2) For each utility trailer, rented or leased for compensation of any kind or nature, \$8.00;

“(3) For each truck or tractor trailer or semitrailer, \$20.00; and provided, that any trailer or semitrailer used by a farmer exclusively for transporting farm products to and from market or for transporting the personal property of a farmer for his own use on the farm shall not be subject to the license taxes and registration fees provided for

in this section. Trailers of any kind or description for hauling passengers for hire are prohibited by law and shall not be licensed under this article.

“(b) Travel trailers, which are excluded from the foregoing provisions of this section, are subject, however, to the registration fee provided for in sections 40-12-255 through 40-12-257.

“(c) At the option of the owner, a fleet of 50 or more rental utility trailers, or truck trailers, tractor trailers or semitrailers excluding any house trailers, required to be licensed in this section may be registered for a period of five years, or any number of years to be designated by the commissioner, provided the following requirements are met:

“(1) The application shall be made on forms prescribed by the commissioner and shall contain such information as the commissioner may require.

“(2) Upon receipt of proper application and fees, there shall be issued for each trailer in the fleet a registration plate which shall be valid for the number of years specified. All plates issued to a fleet shall expire on the last day of the final month of the period for which issued. Should the fleet owner add trailers during the registration period, the registration of the additional trailers shall expire on the same day as the original fleet of trailers are to expire.

“(3) The fleet owner shall be required to pay all registration renewal fees due each year for all trailers registered in his fleet prior to the expiration date. If the renewal fees are not paid, all license plates and registrations in the fleet shall be cancelled.”

“(d) The Department of Revenue shall have the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this section.”

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective October 1, 1989 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 8:50 A.M.

Act No. 88-981

H. 10—Rep. Harper

AN ACT

To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. SHORT TITLE. This Act shall be known as The Proration Prevention Act of 1988.

Section 2. ESTABLISHMENT OF PRORATION PREVENTION ACCOUNT. There is hereby created and shall be a distinct and separate fund established within the state treasury, to be known as the Proration Prevention Account, to which monies shall be deposited herein for the purpose of preventing proration of funds which have been appropriated by the Legislature from the Alabama Special Educational Trust Fund. Monies which accrue in the Proration Prevention Account shall not be subject to appropriation except as provided in this Act.

Section 3. APPROPRIATIONS. The following monies are hereby appropriated to the Proration Prevention Account:

(a) The twenty-one million dollars (\$21,000,000) appropriated in the Alabama Special Educational Trust Fund Appropriations Act for the fiscal year beginning on October 1, 1988;

(b) Eight million dollars (\$8,000,000) shall thereafter be appropriated from the Alabama Special Educational Trust Fund to said account at the end of each succeeding fiscal year (except during years of actual proration) until said account shall have attained an amount of at least seventy-five million dollars (\$75,000,000) including accrued interest. All monies appropriated to and contained in the Proration Prevention Account shall be maintained in said account from year to year except as provided in this Act. The appropriations provided in this subsection shall be allocated before any conditional appropriation.

Section 4. WITHDRAWALS. Money in the Proration Prevention Account may be withdrawn only:

(a) To prevent proration in the Alabama Special Educational Trust Fund. The Governor of the State of Alabama must certify to the State Comptroller and notify the Legislature that proration would occur in the Alabama Special Educational Trust Fund before funds could be withdrawn. Upon said certification by the Governor, withdrawals may be executed under the direction of the Governor; however, withdrawals must be limited to the amount of the anticipated proration and funds allotted only to the extent necessary to avoid proration of appropriations in the Alabama Special Educational Trust Fund, or

(b) In emergency situations as determined by the Legislature and then only by a joint resolution with a recorded vote of at least two-thirds of the membership of each legislative chamber.

Section 5. REPAYMENT. Monies withdrawn under the provisions of Section 4 of this Act shall be repaid in full during the next succeeding fiscal year, or repaid through an appropriation of eight million dollars (\$8,000,000) per fiscal year, or as may be otherwise provided by the Legislature until said account is restored to a minimum of seventy-five million dollars (\$75,000,000). Repayment of funds may be suspended during those fiscal years in which the Alabama Special Educational Trust Fund is actually prorated. Repayment of monies withdrawn from said account shall not be required during a fiscal year in which said repayment will cause proration.

Section 6. INTEREST. Any monetary interest which accrues in the Proration Prevention Account shall be retained in said account from year to year and shall be subject only to the provisions of this Act.

Section 7. REVERSION TO TRUST FUND. Any amount of money in the Proration Prevention Account which is in excess of 10 percent of the preceding year's Alabama Special Educational Trust Fund Appropriations Act shall revert back to the Alabama Special Educational Trust Fund for the support and maintenance of public education.

Section 8. SEVERABILITY. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. REPEALER. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 8:51 A.M.

Act No. 88-982

H. 40—Reps. White (G) and Slaughter

AN ACT

To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-223, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-12-223. Exemptions.

There are exempted from the computation of the amount of the tax levied, assessed or payable under this article the following:

(1) The gross proceeds accruing from the leasing or rental of a film or films to a lessee who charges, or proposes to charge, admission for viewing the said film or films;

(2) The gross proceeds accruing from any charge in respect to the use of docks or docking facilities furnished for boats or other craft operated on waterways;

(3) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of real property leased by the same landlord to the same tenant for use as a residence or dwelling place, including mobile homes;

(4) The gross proceeds accruing from the leasing or rental of tangible personal property to a lessee who acquires possession of the said property for the purpose of leasing or renting to another the same property under a leasing or rental transaction subject to the provisions of this article;

(5) The gross proceeds accruing from any charge made by a landlord to a tenant in respect to the leasing or furnishing of tangible personal property to be used on the premises of any room or rooms, lodging or accommodations leased or rented to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration;

(6) The gross proceeds accruing from the leasing or rental of tangible personal property which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of the state;

(7) The gross proceeds accruing from the leasing or rental of nuclear fuel assemblies together with the nuclear material contained therein and other nuclear material used or useful in the production of electricity and assemblies containing ionizing radiation sources together with the ionizing radiation sources contained therein used or useful in medical treatment or scientific research;

(8) A transaction whereunder the lessor leases a truck or tractor-trailer or semitrailer for operation over the public roads and highways and such lessor furnishes a driver or drivers for each such vehicle, and such transaction shall be deemed to constitute the rendition of service and not a "leasing or rental" within the meaning of this article;

(9) The gross proceeds accruing from the leasing or rental of vehicles in interchange between regulated motor carriers on a per diem basis;

(10) The gross proceeds accruing from the leasing or rental of all structures, devices, facilities and identifiable components of any thereof acquired primarily for the control, reduction or elimination of air or water pollution, and the gross proceeds accruing from the leasing or rental of all materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution;

(11) The gross proceeds derived by the lessor, which term includes a sublessor, from the leasing or rental of tangible personal property when the lessor and lessee, which term includes a sublessee, are wholly-owned subsidiary corporations of the same parent corporation or one is the wholly-owned subsidiary of the other; provided, that the appropriate sales or use tax, if any was due, has been paid on such item of personal property; and provided further, that in the event of any subsequent subleasing of such tangible personal property to any person other than any such sister, parent or subsidiary corporation, any privilege or license tax due and payable with respect

to such subsequent subleasing under the provisions of this article shall be paid;

(12) The gross proceeds accruing from a transaction which involves the leasing or rental of vessels or railroad equipment which are engaged in interstate or foreign commerce, or both;

(13) The gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, sundries and supplies affixed or used on said aircraft and all ground support equipment and vehicles used by or for the aircraft to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words "hub operation within this state" shall be construed to have all of the following criteria:

a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier; and

(14) The gross proceeds derived by the lessor, which term includes a sublessor, from the leasing of tangible personal property under the following conditions:

a. prior to being leased under the lease subject to this exemption, the leased tangible personal property shall have been owned, or considered to be owned for either Alabama or federal income tax purposes or both, or subject to acquisition pursuant to a binding contract, by the lessee or by a corporation, partnership or other entity controlled by, or under common control with, such lessee;

b. the leased tangible personal property, or the right to ownership thereof, shall have been acquired by the lessor from the lessee or a corporation, partnership or other entity controlled by, or under common control with, such lessee and leased back to the lessee under a lease (i) that is considered a lease and not a sale for either Alabama or federal income tax purposes or both and (ii) that has a term of not less than fifteen (15) years, except that the lessor and the lessee may agree in the lease or any subsequent amendment thereof for the termination of the lease on any date through purchase of the leased tangible personal property by the lessee, which right to purchase property shall be exercisable solely at the option of the lessee;

c. the appropriate sales or use tax levied by the state shall have been paid with respect to the acquisition or use of the leased tangible

personal property, or, alternatively, the acquisition or use of such property shall be exempt by law from such sales or use tax;

d. the leased tangible personal property shall be installed in or about an industrial plant or other real property that was specially constructed or modified for the location and use of such tangible personal property and that is owned, or considered to be owned for either Alabama or federal income tax purposes or both, by a corporation, partnership or other entity controlled by, or under common control with, the lessee of such tangible personal property; and

e. the leased tangible property shall be used only by a lessee engaged in the iron and steel industry, and the exemption from the tax levied by this article shall apply only to the gross proceeds derived from leases that become binding contracts of the parties thereto within one hundred eighty (180) calendar days following the date on which the act adding the exemption contained in this subsection (14) shall become effective."

Section 2. The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act.

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved October 7, 1988

Time: 8:52 A.M.

Act No. 88-983

H. 5—Rep. Haynes

AN ACT

This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Committee of Public Health is hereby authorized to establish the rules by which exceptions may be made to the confidentiality provisions of Chapter 11a of Title 22, Code of Alabama 1975, and establish rules for notification of third parties of

such disease when exposure is indicated or a threat to the health and welfare of others. All notifications authorized by this Act shall be within the rules established pursuant to this Section.

Section 2. Physicians and hospital administrators or their designee may notify pre-hospital transport agencies and emergency medical personnel of a patient's contagious condition. In case of a death in which there was a known contagious disease, the physician or hospital administrator or their designee may notify the funeral home director.

Section 3. The attending physician or the State Health Officer or his designee may notify the appropriate Superintendent of Education when a student or employee has a contagious disease that endangers the health and welfare of others.

Section 4. Physicians or the State Health Officer or his designee may notify a third party of the presence of a contagious disease in an individual where there is a foreseeable, real or probable risk of transmission of the disease.

Section 5. Any physician attending a patient with a contagious disease may inform other physicians involved in the care of the patient and a physician to whom a referral is made of the patient's condition.

Section 6. No physician, employee of the health department, hospitals, other health care facilities or organizations, funeral homes or any employee thereof shall incur any civil or criminal liability for revealing or failing to reveal confidential information within the approved rules. This section is intended to extend immunity from liability to acts which could constitute a breach of physician/patient privilege but for the protections of this section.

Section 7. All persons who receive a notification of the contagious condition of an individual under this Act and the rules established hereunder, shall hold such information in the strictest of confidence and privilege and shall take only those actions necessary to protect the health of the infected person or other persons where there is a foreseeable, real or probable risk of transmission of the disease.

Section 8. Nothing in this Act shall be construed to mean a physician, hospital, health department, or health care facility or employee thereof will be under any obligation to test an individual to determine their HIV infection status.

Section 9. Except as provided in this Act, any information required pursuant to Chapter 11a of Title 22 of Code of Alabama 1975, shall remain confidential.

Section 9. Any person violating any provision of this Act or approved guidelines shall be guilty of a Class "C" misdemeanor.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately following its passage and approval of the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 8:53 A.M.

Act No. 88-984

H. 38—Reps. Carothers and Faulk

AN ACT

Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1989, there is hereby appropriated to the Department of Agriculture and Industries out of any monies in the state treasury not otherwise appropriated the sum of Two Hundred Thousand Dollars (\$200,000), or so much thereof as may be necessary for the fiscal year, which said sum shall be used and expended by said department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the Commissioner of Agriculture and Industries or the State Veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease, African swine fever and other diseases of swine. The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 2-15-160 through 2-15-168 of the Code of Alabama 1975.

Section 2. The appropriation herein made shall be conditioned upon the condition of the general fund and with the approval of the Governor.

Section 3. This act shall become effective on October 1, 1988.

Approved October 7, 1988

Time: 8:54 A.M.

Act No. 88-985

H. 39—Rep. Venable

AN ACT

To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-4-156, Code of Alabama 1975, as amended, is hereby amended further so as to read as follows:

“§17-4-156.

“(a) Each member of the board of registrars in the counties of Autauga, Bibb, Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dallas, Escambia, Geneva, Hale, Henry, Lamar, Lawrence, Limestone, Lowndes, Marengo, Perry, Sumter, Talladega, Walker, Washington and Wilcox may meet a maximum of 120 working days each fiscal year beginning October 1, 1984, and thereafter; each member of the board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Pike, Randolph, St. Clair, Tallapoosa and Winston may meet a maximum of 168 working days each fiscal year beginning October 1, 1984, and thereafter, except in the counties of Lee and Pike each board of registrars may meet up to an additional 30 session days each fiscal year, at the discretion of the chairman of the county commission, beginning October 1, 1985, and thereafter and such days shall be paid from the respective county funds; each member of the board of registrars in the counties of Dale, Franklin, Houston, Marshall, Bullock, Macon and Tuscaloosa may meet a maximum of 216 working days each fiscal year beginning October 1, 1984, and thereafter; and each member of the board of registrars in the counties of DeKalb, Elmore, Jackson, Russell and Shelby may meet a maximum of 167 working days each fiscal year beginning October 1, 1984, and thereafter.

“(b) In the counties of Chilton, Choctaw, Coffee, Colbert, Cullman and Monroe, each member of the board of registrars may meet a maximum of 199 working days each fiscal year beginning October 1, 1984, and thereafter.

“(c) Each member of the board of registrars of Etowah county may meet a maximum of 187 working days each fiscal year.

“(d) Each member of the board of registrars in the counties of Baldwin, Calhoun, Madison, Mobile, Montgomery and Morgan are authorized to meet not more than five days each week for the purpose

of carrying out their official duties. Jefferson County, which is now operating under the provisions of local bills, shall be exempted from the provisions of this section. Provided, however, that where the words 'each year' are used in such local acts, such words shall mean 'each fiscal year beginning October 1, 1984, and thereafter.'

"(e) The actual number of working days to be used as session days shall be determined by a quorum of the board according to the needs of the county.

"(f) As many as 25 of the allotted working days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.) which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both."

Section 2. The provisions of this act shall become effective on October 1, 1988, and each fiscal year thereafter.

Approved October 7, 1988

Time: 8:55 A.M.

Act No. 88-986

H. 23—Rep. Harper

AN ACT

To make an appropriation from the State General Fund in the amount of \$50,000 to the Alabama Mining Museum in Dora, Alabama for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989 the amount of fifty thousand dollars (\$50,000) from the State General Fund to the Alabama Mining Museum in Dora, Alabama.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance by

the Alabama Mining Museum. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1988.

Approved October 7, 1988

Time: 8:56 A.M.

Act No. 88-987

H. 18—Rep. Harper

AN ACT

To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to Brierfield Ironworks from the State General Fund the amount of twenty thousand dollars (\$20,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 8:57 A.M.

Act No. 88-988

H. 16—Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1989, there is hereby appropriated from the State General Fund, the sum of two

hundred fifty thousand dollars (\$250,000) to the Mallard Fox Creek Port and Industrial Park.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1988.

Approved October 7, 1988

Time: 8:58 A.M.

Act No. 88-989

H. 30—Rep. Harper

AN ACT

To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to Helen Keller Property Board from the State General Fund the amount of thirty thousand dollars (\$30,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 8:59 A.M.

Act No. 88-990

H. 19—Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of nine thousand dollars (\$9,000), out of the funds in the State General Fund, to the Cleveland Avenue YMCA, to be used for the support and maintenance of said agency.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1988.

Approved October 7, 1988

Time: 9:00 A.M.

Act No. 88-991

H. 24—Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1989, there is hereby appropriated from the State General Fund, the sum of one hundred thousand dollars (\$100,000) to the Wallace Industrial Air Park.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1988.

Approved October 7, 1988

Time: 9:01 A.M.

Act No. 88-992

H. 17—Rep. Harper

AN ACT

To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. and \$25,000 from the State General Fund to Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to America's Junior Miss Pageant, Inc. from the State General Fund the amount of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1989.

Section 2. There is hereby appropriated to Alabama's Junior Miss Pageant from the State General Fund the amount of twenty-five thousand dollars (\$25,000) for the fiscal year ending September 30, 1989.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 9:02 A.M.

Act No. 88-993

H. 21—Rep. Harper

AN ACT

To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to Fort Gaines from the State General Fund the amount of two hundred thousand dollars (\$200,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 9:03 A.M.

Act No. 88-994

H. 20—Rep. Harper

AN ACT

To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to Desoto Commission from the State General Fund the amount of fifty thousand dollars (\$50,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 9:04 A.M.

Act No. 88-995

H. 31—Rep. Harper

AN ACT

To make an appropriation of \$50,000 from the State General Fund to W.C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to W.C. Handy Property Board from the State General Fund the amount of \$50,000 for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1987-88, an operations plan for fiscal year 1986-87 and an audited financial statement for all operations during fiscal year 1985-86 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1987-88 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 9:05 A.M.

Act No. 88-996

H. 25—Rep. Harper

AN ACT

To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to Alabama Travel Council from the State General Fund the amount of seventy-five thousand dollars (\$75,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 9:06 A.M.

Act No. 88-997

H. 26—Rep. Harper

AN ACT

To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Southern Museum of Flight from the State General Fund the amount of fifty thousand dollars (\$50,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 9:07 A.M.

Act No. 88-998

H. 27—Rep. Harper

AN ACT

To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Pea River Historical Society from the State General Fund the amount of thirty thousand dollars (\$30,000) for the fiscal year ending September 30, 1989.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 7, 1988

Time: 9:08 A.M.

Act No. 88-999

H. 28—Rep. Harper

AN ACT

To make an appropriation of \$50,000 from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1989, there is hereby appropriated to the Mountain Lakes Tourist Association from the State General Fund the sum of fifty thousand dollars (\$50,000).

Section 2. This act shall become effective on October 1, 1988.

Approved October 7, 1988

Time: 9:09 A.M.

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Marengo Co., probate judge's office, license issuing division auth., mail issuance auth., cert. duties transferred from Revenue Commissioner—Act 88-767, 1988 1st Sp. Sess., S. 160	176

Marion Co., tax on casual sales of motor vehicles, legis. intent of Act 88-397, Reg. Sess. 1988 expressed—Act 88-968, 1988 2nd Sp. Sess., SJR 2	691
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- Veterans homes admin. by st., income tax checkoff to fund auth.—Act 88-853, 1988 1st Sp. Sess., S. 149 325
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Davis, Joe W., commended—Act 88-883, 1988 1st Sp. Sess., SJR 61	428
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Duncan, William B., commended—Act 88-818, 1988 1st Sp. Sess., HJR 77	258
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Elder, William E., commended—Act 88-675, 1988 1st Sp. Sess., HJR 33	14
Elvin Hill Elementary School, commended—Act 88-926, 1988 1st Sp. Sess., HJR 149	536
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Fox, Rosemary C., commended—Act 88-959, 1988 2nd Sp. Sess., HJR 7	684
Francis Marion High School basketball team, commended—Act 88-962, 1988 2nd Sp. Sess., HJR 19	687
Glassco, Truman and Bobbie McCreless, commended—Act 88-763, 1988 1st Sp. Sess., SJR 6	172
Hallmark, C. J., commended—Act 88-911, 1988 1st Sp. Sess., HJR 163	488
Harris, John Clinton, commended—Act 88-685, 1988 1st Sp. Sess., HJR 21	21
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Kennedy, Yvonne, commended—Act 88-703, 1988 1st Sp. Sess., HJR 40	93
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Lammers, John D., commended—Act 88-694, 1988 1st Sp. Sess., HJR 7	84

Lowery, Jeremy, commended—Act 88-716, 1988 1st Sp. Sess., HJR 124	107
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McClenny, Lloyd G., commended—Act 88-804, 1988 1st Sp. Sess., SJR 53	241
McLaughlin, Max V., commended—Act 88-712, 1988 1st Sp. Sess., HJR 115	103
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Nix, Joyce G., commended—Act 88-700, 1988 1st Sp. Sess., HJR 26	90
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Oneonta High School volleyball team, commended—Act 88-756, 1988 1st Sp. Sess., HJR 85	165
Owens, Mr. and Mrs. Theodore S., commended—Act 88-732, 1988 1st Sp. Sess., HJR 4	135
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Pittman, Sarah Louise, commended—Act 88-710, 1988 1st Sp. Sess., HJR 110	101
Ritondo, John T., Jr., commended—Act 88-679, 1988 1st Sp. Sess., HJR 38	17
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Starnes, Gene, commended—Act 88-689, 1988 1st Sp. Sess., HJR 61	25

Sweet Water High School baseball team, commended—Act 88-713, 1988 1st Sp. Sess., HJR 117	105
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Fort S. Ralph Terhune, Alabama Army National Guard Armory at Birmingham, named—Act 88-758, 1988 1st Sp. Sess., SJR 15	167
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Robert L. Morton Baseball Field at Cleburne Co. High School, named—Act 88-759, 1988 1st Sp. Sess., SJR 14	168
Sokol, Morris, director emeritus of Tuscaloosa County Park and Recreation Authority Bd., named—Act 88-960, 1988 2nd Sp. Sess., HJR 11	685

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- Bibb Co., co. comm. auth. to levy sales tax in cert. portion of co.—Act 88-877, 1988 1st Sp. Sess., H. 311 419
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Contagious and notifiable diseases, exceptions to confidentiality requirements, physicians and hospitals auth. notify transport agencies, emergency med. personnel, funeral home dirs., supt. of ed., physicians or cert. parties, immunity—Act 88-983, 1988 2nd Sp. Sess., H. 5	708
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Contagious and notifiable diseases, exceptions to confidentiality requirements, physicians and hospitals auth. notify transport agencies, emergency med. personnel, funeral home dirs., supt. of ed., physicians or cert. parties, immunity—Act 88-983, 1988 2nd Sp. Sess., H. 5	708
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Marion Co., tax assessor office, budgetary operation merged, financing reg.—Act 88-892, 1988 1st Sp. Sess., H. 353	446
Mobile Co., offices of tax assessor and tax collector abolished, office of revenue commissioner estab., referendum—Act 88-809, 1988 1st Sp. Sess., H. 166	250
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Dale Co., offices of tax assessor and tax collector abolished, office of revenue commissioner estab.—Act 88-752, 1988 1st Sp. Sess., H. 281	160
Dog racing tracks, tax levied on pari-mutuel pool, licensee take out incr., income tax withheld on cert. winnings, distrib. of proceeds—Act 88-952, 1988 2nd Sp. Sess., H. 8	575
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Franklin Co., tobacco tax, collection, enforcement and distrib., Act 88-562, Reg. Sess. 1988 am'd.—Act 88-889, 1988 1st Sp. Sess., H. 352	440
Franklin Co., water coordinating and fire prevention authority, estab., service area, bd. of dirs., powers, duties, auth. to issue bonds, exempted from tort liab., taxes, competitive bid law, P.S.C. regs.—Act 88-914, 1988 1st Sp. Sess., S. 222	492
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Lamar Co., tobacco tax, collection, enforcement and distrib.—Act 88-940, 1988 1st Sp. Sess., S. 215	554
Leasing tax, gross proceeds derived from the leasing of tangible pers. prop. used in iron and steel industry pursuant to sale-lease back financing exempted, conditions, Sec. 40-12-223 am'd.—Act 88-982, 1988 2nd Sp. Sess., H. 40	705
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Lodging tax, disposition of proceeds alt., Sec. 40-26-20 am'd.—Act 88-956, 1988 2nd Sp. Sess., H. 15	681
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Marion Co., tobacco tax, collection, enforcement and distrib., Act 88-619, Reg. Sess. 1988 am'd.—Act 88-888, 1988 1st Sp. Sess., H. 365	436
Mental Health Finance Authority, auth. to enter financial instruments with st. retirement systems to secure bond issue, cert. alcoholic beverage taxes pledged to secure issue, Act 88-475, Reg. Sess. 1988 am'd.—Act 88-862, 1988 1st Sp. Sess., S. 201	359
Mobile Co., offices of tax assessor and tax collector abolished, office of revenue commissioner estab., referendum—Act 88-809, 1988 1st Sp. Sess., H. 166	250
Motor vehicles, sales and use tax on sale of incr., distrib., Secs. 40-23-2, 40-23-35, 40-23-61, 40-23-101, 40-23-102, 40-23-108 am'd.—Act 88-867, 1988 1st Sp. Sess., H. 18	372
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Supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners, surviving spouse benefits granted, benefits paid to appointed tax official, Secs. 40-6-1, 40-6-3, 40-6-4 am'd.—Act 88-878, 1988 1st Sp. Sess., S. 100	420

Tangible pers. prop., tax on leasing or renting of, disposition of proceeds alt., Sec. 40-12-227 am'd.—Act 88-955, 1988 2nd Sp. Sess., H. 14	680
Tax exempt bonds, method of filing applications for allocation of portion of st. ceiling, expiration and reversion dates reg., allocation to various public authorities reg., St. Industrial Development Authority to admin.—Act 88-870, 1988 1st Sp. Sess., H. 137	382
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- Walker County Junior College, approp.—Act 88-847, 1988 1st Sp. Sess., H. 210 321

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